

# **Town of Tiburon**

2023-2031 Housing Element

Adopted

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## 1.0 INTRODUCTION

### 1.1 OVERVIEW

California’s housing and planning laws require every town, city, and county to have a General Plan with at least seven elements, including a Housing Element. The General Plan provides the long-term vision for the community and guides development in Tiburon. The General Plan is a long-range planning document that describes goals, policies, and programs to guide decision-making in land use and other important areas of local government. Unlike the other mandatory General Plan elements, the Housing Element is required to be updated every eight years and is subject to detailed statutory requirements and mandatory review by a state agency — HCD (Department of Housing and Community Development). According to state law, the Housing Element must:

- Provide goals, policies, quantified objectives, and scheduled programs to preserve, improve and develop housing.
- Identify and analyze existing and projected housing needs for all economic segments of the community.
- Identify “adequate sites” that are zoned and available within the 8-year housing cycle to meet the local government’s fair share of regional housing needs at all income levels.
- Affirmatively further fair housing.
- Be reviewed by the State Department of Housing and Community Development (HCD) to determine whether or not the element complies with state law.
- Be internally consistent with other parts of the General Plan.

This document is an update of the Town’s State-certified Housing Element that was adopted in August 2014 and addresses the 6<sup>th</sup> cycle Housing Element period of 2023 - 2031.

### 1.2 HOUSING IN TIBURON

The Town of Tiburon is a community of approximately 9,400 residents and 4,050 housing units located on a relatively narrow four square mile peninsula extending into San Francisco Bay. The peninsula rises quickly from the Bay reaching a central spine known as the Tiburon Ridge. This ridge is prominent from widespread locations in the San Francisco Bay Area. Most of the peninsula is sloping land. Neighborhoods vary in age from the 1890’s to the present. Over 95 percent of the Town’s land area is comprised of residential neighborhoods, public parks, and secured open space.

Tiburon is a community of neighborhoods covering a wide range of construction dates, housing types, architectural styles, and neighborhood design characteristics. At one end of the range is Old Tiburon, an 1890’s-vintage subdivision of small lots on generally steep slopes with a variety of housing types and styles. At the other end of the range are newer multi-million dollar homes located on larger parcels in thoroughly modern estate-style subdivisions that were common in the 1980’s and 1990’s. In between are numerous subdivisions from the post-war boom of the late 1940’s up through the 1950’s and 1960’s and into the 1970’s. Neighborhoods and homes in Tiburon are quite well maintained and are desirable and attractive places to live.

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Housing affordability in Marin County and in the Bay Area has become an increasingly important issue. Tiburon’s housing conditions are reflective of many area-wide and even nation-wide trends. Over the past several decades, housing costs have skyrocketed out of proportion to many people’s ability to pay, with increasing construction and land costs contributing to the rise in housing prices. In the Bay Area, the high demand for housing pushes prices even higher. This mismatch in household incomes and housing costs has several implications: it becomes more difficult for employers to recruit and retain employees; roadways are clogged with workers traveling longer distances; and many young families, longtime residents, their children, and other community members without high incomes relocate because they can no longer afford to live in the community.

Historical lending and zoning practices, including redlining and exclusionary covenants, have resulted in segregated living patterns in Marin and racially disparate housing outcomes. People of color have not benefited from the generational transfer of home equity, as some white people have, and rapidly escalating housing costs in more recent decades have made it extremely difficult for people of color to get a foothold in the housing market. Anti-development sentiment throughout Marin County has restricted new housing development, helping maintain patterns of segregation. As a result, Marin is one of the most segregated counties in the Bay Area, with five of the ten most segregated Census tracts in the region.<sup>1</sup> Providing more housing and a variety of housing types at different affordability levels will help to diversify the Tiburon community and result in more balanced and integrated living patterns throughout the Bay Area. It will also bring fresh perspectives, lived experiences, skills, and expertise to Tiburon, ensuring that the community is well equipped to face future challenges and opportunities.

### 1.3 THE GENERAL PLAN

State law requires a community’s General Plan to be internally consistent. This means that the policies of one element are not legally superior to the policies of another. Every element of the General Plan must be consistent with all other elements. The 2023-2031 Housing Element has been drafted to be consistent with the rest of the General Plan, which is being updated concurrently. When any Element of the General Plan is amended in the future, the Housing Element will be reviewed and amended, as necessary, to ensure consistency.

In 2011, the Governor signed Senate Bill (SB) 244 which requires local governments to make determinations regarding “disadvantaged unincorporated communities,” defined as a community with an annual median income that is less than 80 percent of the statewide annual median household income. The Town has determined that there are no unincorporated island, fringe, or legacy communities, as defined in the legislation, inside or near its boundaries.

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<sup>1</sup> “Racial Segregation in the San Francisco Bay Area, Part 1,” Othering & Belonging Institute, University of California, Berkeley, <https://belonging.berkeley.edu/racial-segregation-san-francisco-bay-area-part-1>

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### 1.4 HOUSING ELEMENT LAW

State law establishes requirements for all portions of the General Plan. However, for the Housing Element, the State requirements tend to be more specific and extensive than for other elements. The purpose of a housing element is described in Government Code §65583.

“The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.”

While jurisdictions must review and revise all elements of their General Plan on a regular basis to ensure that they remain up to date (approximately every 15 to 20 years), State law requires that Housing Elements be reviewed and updated every eight years. The process of updating Housing Elements is to be initiated by the State through the ‘regional housing needs’ process, described below.

State law is also quite specific in terms of what the Housing Element must contain, including:

- a. “An assessment of housing needs and an inventory of resources and constraints relevant to meeting these needs;”
- b. “A statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing;” and,
- c. “A program, which sets forth a schedule of actions...to implement the policies and achieve the goals and objectives.”

Furthermore, the Housing Element must:

- (1) Identify adequate sites with appropriate zoning densities and infrastructure to meet the community’s share of housing needs,
- (2) Assist in the development of adequate housing to meet housing needs for extremely low, very low, low, and moderate-income households,
- (3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to housing development,
- (4) Conserve and improve the condition of the existing affordable housing stock,
- (5) Promote and affirmatively further fair housing opportunities throughout the community 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,
- (6) Preserve assisted housing developments for lower income households,
- (7) Incentivize and promote the creation of accessory dwelling units that can be offered at affordable rent, and
- (8) Include a diligent effort by the local government to achieve public participation by all economic segments of the community in the development of the housing element.

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State law requires that every updated Housing Element be submitted to the State of California's Department of Housing and Community Development (HCD) to ensure compliance with the State's minimum requirements. This 'certification' process is unique among the General Plan elements.

Housing Elements are submitted to HCD for review and comment. The first review requires a maximum 90 days and must take place prior to adoption by the Tiburon Town Council. Subsequent reviews may take up to 60 days. During these reviews, HCD will provide comments to the Town regarding compliance of the draft Element with State law requirements and HCD guidelines. Modifications to the draft Housing Element in response to these comments may be necessary. The Town Council must consider HCD's comments prior to adoption of the Housing Element as part of the General Plan. After adoption, HCD will provide written findings regarding compliance to the local jurisdiction.

### REGIONAL HOUSING NEEDS DETERMINATION (RHND)

For the eight-year time frame covered by this Housing Element Update, HCD has identified the region's housing need as 441,176 units. The total number of housing units assigned by HCD is separated into four income categories that cover housing types for all income levels, from very low-income households to market rate housing.<sup>2</sup> This calculation, known as the Regional Housing Needs Determination (RHND), is based on population projections produced by the California Department of Finance as well as adjustments that incorporate the region's existing housing need. The adjustments result from recent legislation requiring HCD to apply additional adjustment factors to the baseline growth projection from California Department of Finance to move the regions closer to healthy housing markets. To this end, adjustments focus on the region's vacancy rate, level of overcrowding, and the share of cost burdened households and seek to bring the region more in line with comparable ones.<sup>3</sup> These new laws governing the methodology for how HCD calculates the RHND resulted in a significantly higher number of housing units for which the Bay Area must plan compared to previous RHNA cycles.

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<sup>2</sup> HCD divides the RHND into the following four income categories:

Very Low-income: 0-50% of Area Median Income

Low-income: 50-80% of Area Median Income

Moderate-income: 80-120% of Area Median Income

Above Moderate-income: 120% or more of Area Median Income

<sup>3</sup> For more information on HCD's RHND calculation for the Bay Area, see this letter sent to ABAG from HCD on June 9, 2020: [https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920\(r\).pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf)

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### REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

A starting point for the Housing Element Update process for every California jurisdiction is the Regional Housing Needs Allocation or RHNA – the share of the RHND assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). State Housing Element Law requires ABAG to develop a methodology that calculates the number of housing units assigned to each city and county and distributes each jurisdiction’s housing unit allocation among four affordability levels. For this RHNA cycle, the RHND increased by 135%, from 187,990 to 441,776. For more information on the RHNA process this cycle, see ABAG’s website: <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>.

In 2020, the Town received a draft Regional Housing Needs Allocation (RHNA) of 639 units, approximately eight times the previous 5<sup>th</sup> cycle allocation of 78 units. The Town appealed the allocation based on concerns regarding water supply availability, evacuation and emergency vehicle access, traffic impacts, and environmental hazards such as flooding, sea level rise, wildfire, and steep slopes which severely limit the availability of land appropriate for additional housing. Although the appeal was ultimately denied, the Town continues to be concerned about the impact that will result from the addition of 639 new units. The Town has proposed rezoning certain properties to address the RHNA requirement in response to State mandates.

In January 2021, ABAG adopted a Draft RHNA Methodology, and in December 2021, the ABAG Executive Board adopted the [Final Regional Housing Needs Allocation \(RHNA\) Plan: San Francisco Bay Area, 2023-2031](#). Tiburon’s RHNA allocation, broken down by income category, is shown in Table 1. The Town estimates the projected need for units affordable to extremely low-income households to be 50% of the very low-income need, or 97 units.

**Table 1: Regional Housing Needs Allocation, June 30, 2022, to December 31, 2030**

Income Category	Tiburon Units	Marin County Units	Bay Area Units	Tiburon Percent	Marin County Percent	Bay Area Percent
Very Low Income (<50% of AMI)	193	4,171	114,442	30.2%	29.0%	25.9%
Low Income (50%-80% of AMI)	110	2,400	65,892	17.2%	16.7%	14.9%
Moderate Income (80%-120% of AMI)	93	2,182	72,712	14.6%	15.1%	16.5%
Above Moderate Income (>120% of AMI)	243	5,652	188,130	38.0%	39.2%	42.6%
Total	639	14,405	441,176	100.0%	100.0%	100.0%

Source: Association of Bay Area Governments

The Town may receive credit toward the RHNA for new units built, under construction or approved since July 1, 2022.

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### 1.5 SOURCE OF HOUSING DATA

The main sources of data used to prepare the Housing Element were the U.S. Census and the 2019 American Community Survey (five-year estimates). The Census remains the most comprehensive and widely accepted source of information on demographic characteristics, and provides consistency with other regional, State, and federal housing plans. The American Community Survey (ACS) is an ongoing statistical survey that samples a small percentage of the population every year. The ACS survey can have wide margins of error, especially for small communities, but the survey collects information that is not covered by the decennial Census. All ACS figures reported in this housing element should be regarded as estimates.

Additional data sources included:

- Population, household and housing units housing counts from the California State Department of Finance;
- Jobs data from the U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics files (2002-2018);
- Unemployment rates data from the California Employment Development Department;
- Household income and affordability data from the Comprehensive Housing Affordability Strategy (CHAS) prepared by HUD utilizing 2017 American Community Survey 5-year estimates; and
- Home value data from Zillow.

The housing needs analysis presented in Chapter 2 was prepared by Association of Bay Area Governments/Metropolitan Transportation Commission staff and Baird + Driskell Community Planning.

### 1.6 PREPARATION OF THE HOUSING ELEMENT

The Housing Element must identify community involvement and decision-making processes and techniques that are affirmative steps to generate input from all members of the community, as well as low-income persons and their representatives. This means that input should be sought, received, and considered before the draft Housing Element is completed. Requirements for public participation are described in Section 65583(c)(9) of the Government Code, which states that the local government must make “a diligent effort...to achieve public participation of all economic segments in the development of the housing element...and describe this effort.”

A dedicated housing webpage was created as part of the General Plan Update process, which was launched in December 2021 ([createtiburon2040.org](http://createtiburon2040.org)). The site was used throughout the update process to provide background information and resources, inform community members about workshops and meetings, solicit community input through online surveys, and provide access to draft documents, fact sheets, Q&A documents, meeting summaries, presentations, and workshop video recordings. The website was enabled with Google Translate to provide multilingual translation for all users. In addition, presentations and surveys were translated into Spanish to facilitate access for the

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Hispanic and Latinx community, which represents the largest group of people who speak limited or no English in Tiburon and Marin County. Housing workshops offered Spanish translation as well.

Staff used a variety of methods to advertise the housing element update process and workshops, including:

- Providing information on the General Plan Update process, including the Housing Element, through a town-wide mailer;
- Publishing articles in the Town's newsletter, which reaches over 800 Tiburon households;
- Providing flyers (in Spanish on the reverse) at the library and Town Hall; posting flyers on community boards; and providing flyers to the Tiburon Peninsula Chamber of Commerce to for distribution to Tiburon businesses and workers and to EAH, the Town's primary affordable housing developer and manager, for distribution to lower-income residents;
- Promoting the workshops on social media, including Nextdoor, Facebook, and Instagram, and in the town's local newspaper, The Ark; and
- Sending emails to the interested parties list and community-based organizations.

The Town held two public workshops in November 2021 to February 2022. Workshops and the public engagement efforts were designed to seek input from the Tiburon community and create a forum to share ideas, raise questions and concerns, and provide feedback on the Town's housing goals, policies, and programs and selection of housing opportunity sites. Input provided by the community helped identify key issues and strategic directions to pursue in the Housing Element update.

The first workshop focused on providing an overview of the housing element, RHNA, and existing housing conditions and on gathering input on housing needs and potential sites and strategies to accommodate RHNA and encourage a more diverse population. The second workshop built on input received at the first workshop and explored the suitability of specific sites, development types, and housing densities to accommodate RHNA. The workshop focused on sites to accommodate the very low-, low-, and moderate-income housing.

Workshops included live-polling and breakout sessions to explore ideas in small groups. Surveys were posted online following each workshop. The workshop and survey summaries are attached in Appendix A. Workshop presentations and recordings are available at the [CreateTiburon2040.org](https://www.createtiburon2040.org) website.

Town Council and Planning Commission meetings were held in March and April 2022 to provide comments, raise concerns, and/or express support for staff's recommended strategy to meet the Town's RHNA requirement for 639 housing units as part of the Housing Element Update.

In order to gather additional input from underrepresented members of the community, a paper survey, in both English and Spanish, was distributed to workers at local businesses, including restaurants and grocery stores, and to lower-income residents at EAH properties. The Town also conducted three focus groups with EAH residents in May and June of 2022 and three focus groups and individual interviews with local service employees in June 2022. The outreach effort reached seniors, female-headed households, disabled residents, very low- and low-income residents and workers, people of color, and people who did not speak English as a first language. Conversations with employees confirmed the need for affordable apartments in Tiburon as most employees live in the Canal neighborhood of San Rafael or outside of Marin, and many travel long distances or take multiple

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bus connections to get to work. While one and two-bedroom apartments would house most of the households, there is a need for larger units for households with five or more people. In addition to more affordable housing, surveys showed that protections for renters facing displacement or discrimination was important to the employees, as well as financial assistance for home repairs and renovations. The focus group and survey summaries are attached in Appendix A.

Finally, the Town conducted stakeholder interviews with organizations that serve underrepresented populations, including Fair Housing Advocates of Northern California, Legal Aid, and Canal Alliance.

Items identified in the community outreach effort that are addressed in the updated Housing Element through housing opportunity site selection and modified or new policies and/or programs are identified below. Items #8-15 were recommended by Fair Housing Advocates of Northern California, Legal Aid, and Canal Alliance. Items #16-17 were specifically identified during the focus group discussions with affordable housing residents, although other items were supported as well (#3, 6, and 15).

1. Utilize commercial sites that can accommodate mixed use housing at higher residential densities. *(Sites 1-7, 9 and A-G in Table 11 Sites Inventory and Program H-cc)*
2. Look at underutilized sites with aging and/or functionally obsolete buildings for potential affordable housing sites. *(Sites 1-7, 9, and A-G in Table 11 Sites Inventory and Program H-cc)*
3. Locate housing sites near public transportation and services. *(Sites 1-9 and A-G in Table 11 Sites Inventory and Program H-cc)*
4. Advance sustainability goals, e.g., encourage housing within walking distance of transit and major destinations, promote home offices and live-work spaces, and require green building standards and EV charging in new development. *(Programs H-bb and H-cc; policies and programs regarding green building standards and EV charging requirements are located in the Sustainability Element)*
5. Encourage the development of accessory dwelling units, recognizing that these can provide an important source of income for lower-income seniors who want to age in place, as well as affordable housing for caretakers and other lower-income service providers or family members. *(Programs H-gg and H-hh)*
6. Improve housing options for seniors (including smaller units for those desiring to downsize), the disabled, and the workforce. *(Programs H-e, H-r, H-m, H-cc, H-dd, H-ee, H-gg, H-oo)*
7. Take meaningful actions to affirmatively further fair housing. *(Programs H-a, H-c, H-g, H-m, H-p, H-q, H-r, H-s, H-w, H-cc, H-gg, H-oo)*
8. Ensure that affordable units are affirmatively marketed to communities of color. Utilize publications, venues, and community groups that serve Black and Latinx communities. Market outside of Marin to encourage more balanced communities and integrated living patterns. *(Program H-cc)*
9. Train Town staff on how to recognize and report fair housing complaints. Engage Fair Housing Advocates of Northern California to conduct a training session for Town staff. *(Program H-o)*
10. Provide fair housing brochures published by Fair Housing Advocates of Northern California at Town Hall and distribute to housing developers and single-family property owners who are developing an ADU, JADU, or SB 9 unit. *(Program H-a)*
11. Provide fair housing information on the Town's website and a link to Fair Housing Advocates of Northern California's website. *(Program H-a)*
12. Include an article on fair housing in the Town's newsletter with information on fair housing issues, landlord responsibilities, and resources to learn more and file complaints. *(Program H-a)*

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13. Adopt a Fair Housing Month proclamation each year. *(Program H-a)*
14. Provide a fair housing training workshop to developers and property owners. Consider partnering with other jurisdictions and/or the County. *(Program H-a)*
15. Include programs for tenant protections, including rent stabilization, just cause for eviction, right to counsel, and right of first refusal. *(Program H-z)*
16. Facilitate communication between affordable housing tenants and providers/ managers and assist in resolving complaints and issues of concern. *(Program H-z)*
17. Provide information on source of income laws that require all landlords to accept Section 8 Housing Choice Vouchers. *(Programs H-a, H-w, and H-gg)*

The ~~proposed~~ housing sites proposed in the workshops were extensively vetted with the community as they required either allowing housing where none was previously permitted or increasing the existing residential densities from a maximum of 20.7 units per acre to maximums of 25-45 units per acre depending upon the site. Twenty parcels were ultimately identified as appropriate for multifamily housing. Surveys conducted immediately after the workshops showed majority support for these housing sites (see Appendix A). ~~All rezonings occurred prior to housing element adoption.~~<sup>4</sup>

Other opportunities for community input included public meetings on housing opportunity site selection and rezoning with the Tiburon Planning Commission and Town Council, review of the Draft Housing Element by the public, and public hearings on the Draft Housing Element with the Planning Commission and Town Council.

The draft Housing Element was released on July 5, 2022, for a 30-day public review in accordance with State law. The release of the draft Housing was promoted through the Town's newsletter, website, and social media accounts, and by placing an ad in the local newspaper. The Town Council meetings to review the draft Housing Element were also covered by the local newspaper.

At the close of the public comment period on August 5, 2022, the Town received a total of 53 written public comments from Tiburon residents and Marin County and Bay Area community-based and advocacy organizations (Appendix E). The Town Council considered these comments at its August 3 and August 30, 2022, meetings. Several changes were made to the draft Housing Element in response to the received comments including reducing the proposed residential densities on some Downtown sites, adding a new program on home match services (*Program H-f Home Match Services*), clarifying text and program language, and providing more detail on environmental constraints for housing opportunity sites in Table 11.

The Town received comments on the draft Housing Element from the State Department of Community Development (HCD) on December 23, 2022, and the Town Council considered revisions to the Housing Element in response to HCD's comments on January 18 and 25, 2023. The second draft Housing Element was published on February 8, 2023, and submitted to HCD on February 17, 2023. The Town received comments from HCD on the second draft Housing Element on April 17, 2023.

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### 1.7 2015-2023 HOUSING ELEMENT ACCOMPLISHMENTS

Government Code Section 65588 requires that the Housing Element include an analysis of the effectiveness of the element, progress in implementation, and the appropriateness of goals, policies, and programs.

Tiburon's current Housing Element was adopted by the Town Council on August 20, 2014. While many of the goals, policies, and programs were successful, the Town did not produce enough affordable housing to meet its 5<sup>th</sup> cycle RHNA. Between 2015 and June of 2022, the Town developed 15 new single-family homes and 29 accessory dwelling units (ADUs). While the Town did not develop any new deed-restricted housing during the 5<sup>th</sup> cycle planning period, some of the ADUs provided affordable market-rate housing.

The Town attributes the lack of affordable housing production to the high cost of land and construction in Tiburon and housing densities that were too low to support affordable multifamily housing. In order to make redevelopment and multifamily housing financially feasible in Tiburon, the Town will rezone eighteen parcels to allow housing at densities of 30-35 unit per acre. These sites have the capacity to build 368 new multifamily units.

While no new deed-restricted affordable housing has been developed in Tiburon since 2002, the Town has achieved success in providing and maintaining affordable housing, such as the Hilarita Apartments (91 affordable units), Tiburon Hill Estates (16 affordable units), Point Tiburon Marsh (20 affordable units), Cecilia Place (16 affordable units for seniors), Bradley House (15 affordable units for the disabled/elderly), and Chandler's Gate (4 affordable units). These developments provide 104 very low-income, 38 low-income, and 20 moderate-income housing units, for a total of 162 affordable housing units for both families, the disabled, and seniors.

Nonetheless, and as described in detail in Section 2.6 Special Housing Needs, the Town continues to need more housing for seniors, persons with disabilities, lower-income female-headed households with children and large families, and persons experiencing homelessness. Programs contained in the Housing Element to address these needs are identified in Section 2.6. 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. Tiburon does not currently contain any homeless shelters, but the Town actively participates in countywide efforts to address homelessness and annually contributes funding toward programs for the homeless. Moreover, the Town has several zoning districts that permit emergency shelters and development standards to facilitate their development.

Programs completed and successfully implemented since adoption of the 2015-2023 Housing Element include:

- Adopted zoning provisions to treat transitional and supportive housing as residential uses subject to the same restrictions as residential dwellings of the same type in the same zone. (Program H-s)
- Implemented the second unit ordinance and adopted standards for junior second units (Programs H-dd and H-ee). The Town participated in development of a countywide website at [adumarin.org](http://adumarin.org) and conducted outreach and education to accelerate development of ADUs. The Town also updated its ADU ordinance to comply with new state laws. The Town approved

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26 ADUs and 18 JADUs between 2015 and June 2022. To date, 14 have been constructed and 15 are under construction. Based on a regional study, affordability levels are assumed to be 13 very low-income units, 13 low-income units, 13 moderate-income units, and 5 above moderate-income units.

- Participated in and allocated funding for countywide programs to address the needs of people experiencing homelessness. (Program H-q)

This Housing Element has considered the effectiveness of the 2015-2023 Housing Element policies and programs and has continued, amended, or deleted programs based on lessons learned and evolving housing needs. Appendix B is a full review of programs in the 2015-2023 Housing Element.

## 2.0 HOUSING NEEDS ANALYSIS

### 2.1 OVERVIEW

This section of the Housing Element describes characteristics of Tiburon’s population and housing stock and assesses the community’s existing and future housing needs. The data and analysis in this section are intended to satisfy, in part, Government Code Section 65583(a), which requires an assessment of housing needs including an analysis of population and employment trends (GC 65583 (a)(1)) and household characteristics (GC 65583 (a)(2)).

#### SUMMARY OF KEY FACTS

- **Population** – Generally, the population of the Bay Area continues to grow because of natural growth and because the strong economy draws new residents to the region. The population of Tiburon increased 10.1% from 2000 to 2020, which is below the growth rate of the Bay Area.
- **Age** – In 2019, Tiburon’s youth population under the age of 18 was 1,941 and senior population 65 and older was 2,351. These age groups represent 21.2% and 25.7%, respectively, of Tiburon’s population.
- **Race/Ethnicity** – In 2020, 81.6% of Tiburon’s population was White, 1.0% was African American, 2.7% was Asian, and 7.6% was Latinx. People of color in Tiburon comprise a proportion below the overall proportion in the Bay Area as a whole.<sup>5</sup>
- **Employment** – Tiburon residents most commonly work in the *Financial & Professional Services* industry. Since 2010, the number of jobs located in the jurisdiction increased by 110 (6.5%). Additionally, the jobs-household ratio in Tiburon has decreased from 0.54 in 2002 to 0.48 jobs per household in 2018.
- **Number of Homes** – The number of new homes built in the Bay Area has not kept pace with the demand, resulting in longer commutes, increasing prices, and exacerbating issues of displacement and homelessness. The number of homes in Tiburon increased 0.6% from 2010 to 2020, which is *below* the growth rate for Marin County and *below* the growth rate of the region’s housing stock during this time period.
- **Home Prices** – A diversity of homes at all income levels creates opportunities for all Tiburon residents to live and thrive in the community.
  - **Ownership** The largest proportion of homes had a value in the range of \$2M+ in 2019. Home prices increased by 97.0% from 2010 to 2020.

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<sup>5</sup> The Census Bureau’s American Community Survey accounts for ethnic origin separate from racial identity. The numbers reported here use an accounting of both such that the racial categories are shown exclusive of Latinx status, to allow for an accounting of the Latinx population regardless of racial identity. The term Hispanic has historically been used to describe people from numerous Central American, South American, and Caribbean countries. In recent years, the term Latino or Latinx has become preferred. This report generally uses Latinx, but occasionally when discussing US Census data, we use Hispanic or Non-Hispanic, to clearly link to the data source.

## 2.0 HOUSING NEEDS ANALYSIS

- **Rental Prices** – The typical contract rent for an apartment in Tiburon was \$2,310 in 2019. Rental prices increased 21.1% from 2009 to 2019. To rent a typical apartment without cost burden, a household would need to make \$92,400 per year.<sup>6</sup>
- **Housing Type** – It is important to have a variety of housing types to meet the needs of a community today and in the future. In 2020, 65.4% of homes in Tiburon were single-family detached, 9.5% were single-family attached, 9.4% were small multi-family (2-4 units), and 15.4% were medium or large multi-family (5+ units). Between 2010 and 2020, the number of single-family units increased more than multifamily units. Generally, in Tiburon, the share of the housing stock that is detached single-family homes is above that of other jurisdictions in the region.
- **Cost Burden** – The U.S. Department of Housing and Urban Development considers housing to be affordable for a household if the household spends less than 30% of its income on housing costs. A household is considered “cost-burdened” if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered “severely cost-burdened.” In Tiburon, 16.0% of households spend 30%-50% of their income on housing, while 15.1% of households are severely cost burdened and use the majority of their income for housing.
- **Displacement/Gentrification** – According to research from The University of California, Berkeley, 0.0% of households in Tiburon live in neighborhoods that are susceptible to or experiencing displacement and 0.0% live in areas at risk of or undergoing gentrification. 100% of households in Tiburon live in neighborhoods where low-income households are likely excluded due to prohibitive housing costs.
- **Neighborhood** – 100.0% of residents in Tiburon live in neighborhoods identified as “Highest Resource” or “High Resource” areas by State-commissioned research, while 0.0% of residents live in areas identified by this research as “Low Resource” or “High Segregation and Poverty” areas. These neighborhood designations are based on a range of indicators covering areas such as education, poverty, proximity to jobs and economic opportunities, low pollution levels, and other factors.<sup>7</sup>
- **Special Housing Needs** – Some population groups may have special housing needs that require specific program responses, and these groups may experience barriers to accessing stable housing due to their specific housing circumstances. In Tiburon, 9.9% of residents have a disability of any kind and may require accessible housing. Additionally, 8.6% of Tiburon households are larger households with five or more people, who likely need larger housing units with three bedrooms or more. 5.2% of households are female-headed families, which are often at greater risk of housing insecurity.

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<sup>6</sup> Note that contract rents may differ significantly from, and often being lower than, current listing prices.

<sup>7</sup> For more information on the “opportunity area” categories developed by HCD and the California Tax Credit Allocation Committee, see this website: <https://www.treasurer.ca.gov/ctcac/opportunity.asp>. The degree to which different jurisdictions and neighborhoods have access to opportunity will likely need to be analyzed as part of new Housing Element requirements related to affirmatively furthering fair housing. ABAG/MTC will be providing jurisdictions with technical assistance on this topic this summer, following the release of additional guidance from HCD.

## 2.0 HOUSING NEEDS ANALYSIS

### DATA SOURCES

Many of the tables in this report are sourced from data from the Census Bureau’s American Community Survey or U.S. Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) data, both of which are samples and as such, are subject to sampling variability. This means that data is an estimate, and that other estimates could be possible if another set of respondents had been reached. We use the five-year release to get a larger data pool to minimize this “margin of error” but particularly for the smaller cities, the data will be based on fewer responses, and the information should be interpreted accordingly.

Additionally, there may be instances where there is no data available for a jurisdiction for particular data point, or where a value is 0 and the automatically generated text cannot perform a calculation. In these cases, the automatically generated text is “NODATA.”

The American Survey is derived from surveys conducted between 2015-2019 and the Comprehensive Housing Affordability Strategy (CHAS) data are derived from surveys conducted between 2013-2017. These were the latest data sets available at the time this report was developed. Although they are used as a proxy for current conditions, they are not necessarily reflective of populations and housing conditions in 2022.

Any figure that does not specify geography in the figure name represents data for Tiburon.

## 2.2 POPULATION CHARACTERISTICS

### POPULATION GROWTH

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990, except for a dip during the Great Recession. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has largely not kept pace with job and population growth. Since 2000, Tiburon’s population has increased by 10.1%; this rate is below that of the region, at 14.8%. In Tiburon, roughly 13.4% of its population moved during the past year, same as the regional rate.

**Table 2: Population Growth Trends**

Geography	1990	1995	2000	2005	2010	2015	2020
Tiburon	7,554	8,238	8,666	8,742	8,962	9,484	9,540
Marin County	230,096	238,185	247,289	251,634	252,409	262,743	260,831
Bay Area	6,020,147	6,381,961	6,784,348	7,073,912	7,150,739	7,595,694	7,790,537

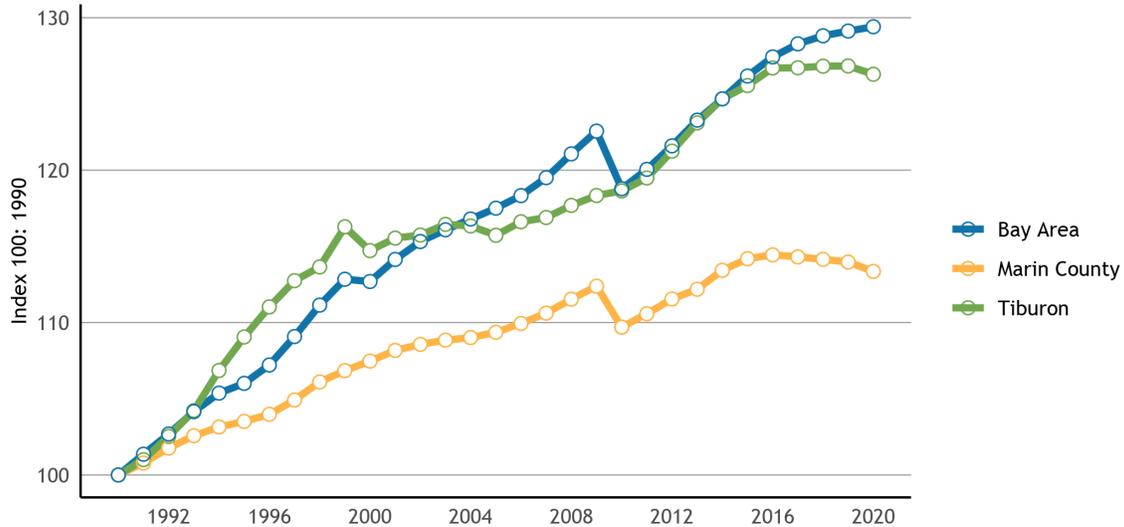
Source: California Department of Finance, E-5 series

In 2020, the population of Tiburon was estimated to be 9,540 (see Table 2). From 1990 to 2000, the population increased by 14.7%, while it increased by 3.4% during the first decade of the 2000s. In the

## 2.0 HOUSING NEEDS ANALYSIS

most recent decade, the population increased by 6.4%. The population of Tiburon makes up 3.7% of Marin County.<sup>8</sup>

**Figure 1: Population Growth Trends**



Source: California Department of Finance, E-5 series Note: The data shown on the graph represents population for the jurisdiction, county, and region indexed to the population in the first year shown. The data points represent the relative population growth in each of these geographies relative to their populations in that year. For some jurisdictions, a break may appear at the end of each decade (1999, 2009) as estimates are compared to census counts. DOF uses the decennial census to benchmark subsequent population estimates.

### AGE

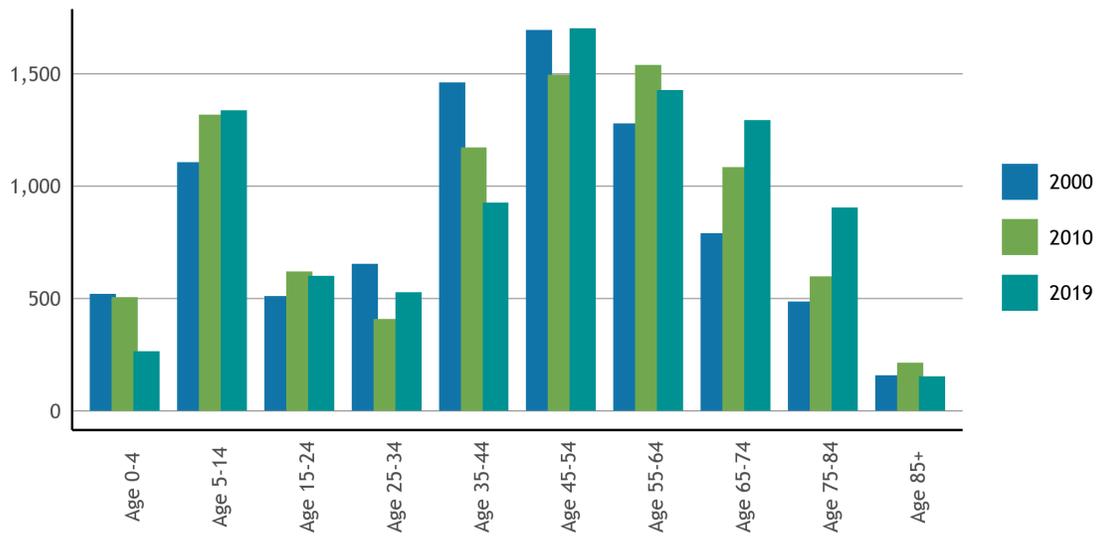
The distribution of age groups in a city shapes what types of housing the community may need in the near future. An increase in the older population may mean there is a developing need for more senior housing options, while higher numbers of children and young families can point to the need for more family housing options and related services. There has also been a shift by many to age-in-place or downsize to stay within their communities, which can mean more multi-family and accessible units are also needed.

In Tiburon, the median age in 2000 was 45.4; by 2019, this figure had increased to approximately 50 years. The population of those under 14 has decreased since 2010, while the 65-and-over population has increased (see Figure 2).

<sup>8</sup> To compare the rate of growth across various geographic scales, Figure 1 shows population for the jurisdiction, county, and region indexed to the population in the year 1990. This means that the data points represent the population growth (i.e., percent change) in each of these geographies relative to their populations in 1990.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 2: Population by Age in Tiburon, 2000-2019**



*Universe: Total population*

*Source: U.S. Census Bureau, Census 2000 SF1, Table P12; U.S. Census Bureau, Census 2010 SF1, Table P12; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001*

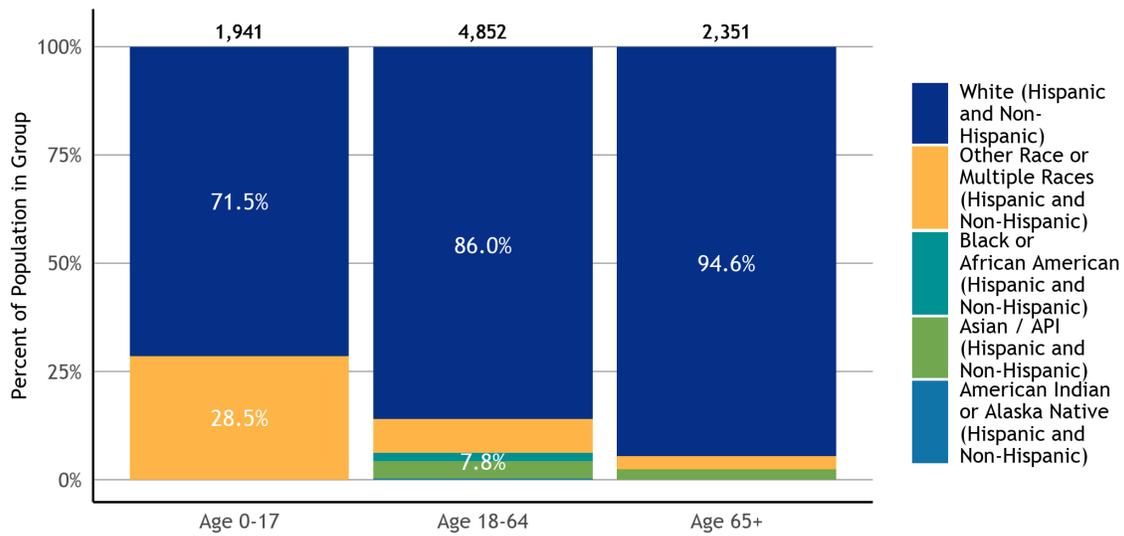
Looking at the senior and youth population by race can add an additional layer of understanding, as families and seniors of color are even more likely to experience challenges finding affordable housing. People of color<sup>9</sup> make up 5.4% of seniors and 28.5% of youth under 18 (see Figure 3). The marked increase in the diversity of the younger population reflects a slow but growing transformation in the diversity of the overall population.

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<sup>9</sup> Here, we count all non-white racial groups.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 3: Senior and Youth Population by Race in Tiburon**



Universe: Total population

Notes: In the sources for this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity, and an overlapping category of Hispanic / non-Hispanic groups has not been shown to avoid double counting in the stacked bar chart.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-G)

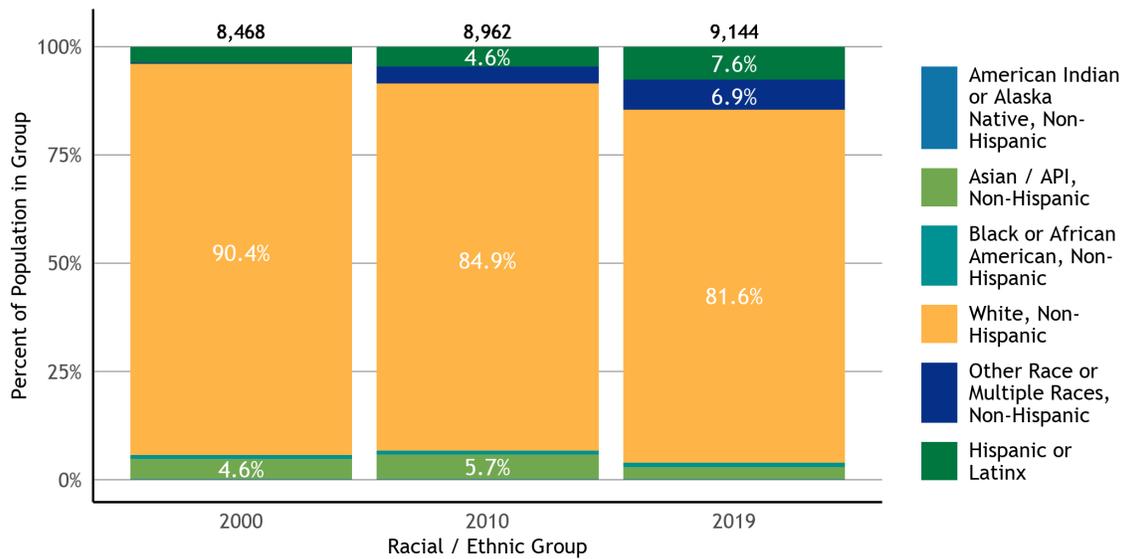
### RACE AND ETHNICITY

Understanding the racial makeup of a town and region is important for designing and implementing effective housing policies and programs. These patterns are shaped by both market factors and historical government actions, such as exclusionary zoning, discriminatory lending practices, and displacement that has occurred over time and continues to impact communities of color today<sup>10</sup>. Since 2000, the percentage of residents in Tiburon identifying as White has decreased – and by the same token the percentage of residents of all *other* races and ethnicities has *increased* – by 8.8 percentage points, with the 2019 White population standing at 7,459 (see Figure 4). In absolute terms, the *Other Race or Multiple Races, Non-Hispanic* population increased the most while the *White, Non-Hispanic* population decreased the most.

<sup>10</sup> See, for example, Rothstein, R. (2017). *The color of law : a forgotten history of how our government segregated America*. New York, NY & London, UK: Liveright Publishing.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 4: Population by Race in Tiburon, 2000-2019**



Universe: Total population

Notes: Data for 2019 represents 2015-2019 ACS estimates. The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the “Hispanic or Latinx” racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.

Source: U.S. Census Bureau, Census 2000, Table P004; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002

## 2.3 EMPLOYMENT CHARACTERISTICS

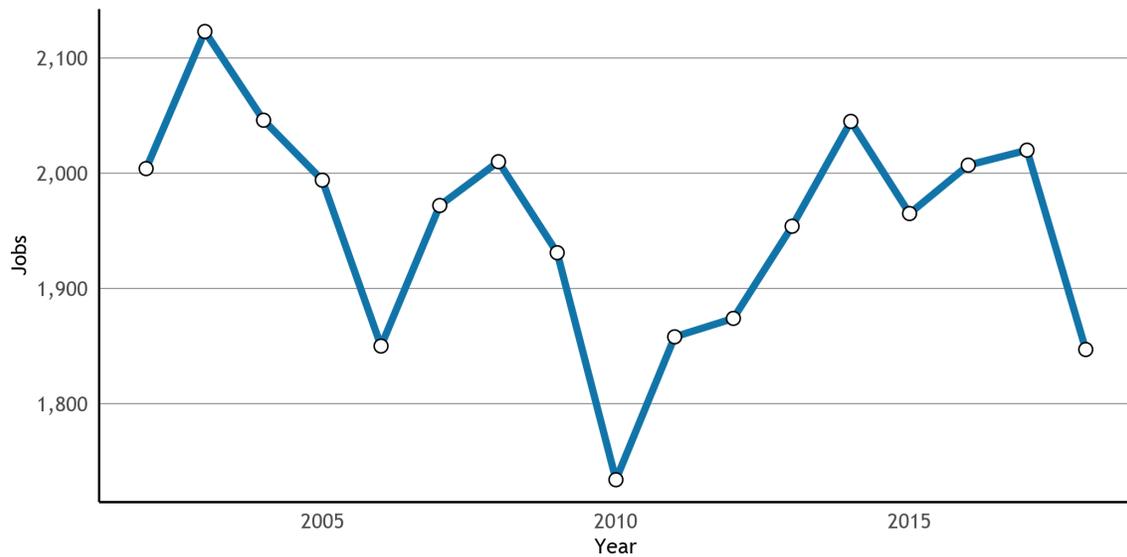
### BALANCE OF JOBS AND WORKERS

A city provides housing to employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a city may have job sites that employ residents from the same city, but more often employ workers commuting from outside of it. Smaller cities typically will have more employed residents than jobs and export workers, while larger cities tend to have a surplus of jobs and import workers. To some extent, the regional transportation system is set up for this flow of workers to the region’s core job centers. At the same time, as the housing affordability crisis has illustrated, local imbalances may be severe, where local jobs and worker populations are out of sync at a sub-regional scale.

One measure of this is the relationship between *workers* and *jobs*. A city with a surplus of workers “exports” workers to other parts of the region, while a city with a surplus of jobs must conversely “import” workers. Between 2002 and 2018, the number of jobs in Tiburon decreased by 7.8% (see Figure 5).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 5: Jobs in Tiburon**



*Universe: Jobs from unemployment insurance-covered employment (private, state, and local government) plus United States Office of Personnel Management-sourced Federal employment*

*Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level.*

*Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018*

There are 4,261 employed residents, and 2,940 jobs<sup>11</sup> in Tiburon - the ratio of jobs to resident workers is 0.69; Tiburon is a *net exporter of workers*.

Figure 6 shows the balance when comparing jobs to workers, broken down by different wage groups, offering additional insight into local dynamics. A community may offer employment for relatively low-income workers but have relatively few housing options for those workers. Conversely, a community may house residents who are low wage workers but offer few employment opportunities for them. Such relationships may cast extra light on potentially pent-up demand for housing in particular price categories. A relative *surplus* of jobs relative to residents in a given wage category suggests the need to import those workers, while conversely, surpluses of workers in a wage group relative to jobs means the community will export those workers to other jurisdictions. Such flows are not inherently bad, though over time, sub-regional imbalances may appear. Tiburon has more low-wage *jobs* than low-wage *residents* (where low-wage refers to jobs paying less than \$25,000). At the other end of the

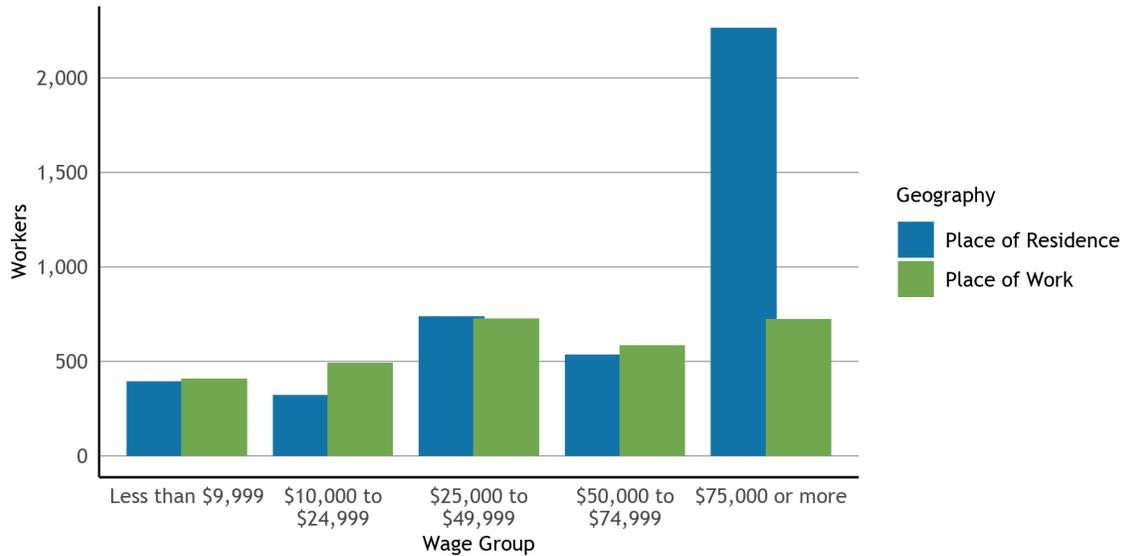
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<sup>11</sup> Employed *residents* in a jurisdiction is counted by place of residence (they may work elsewhere) while *jobs* in a jurisdiction are counted by place of work (they may live elsewhere). The jobs may differ from those reported in Figure 5 as the source for the time series is from administrative data, while the cross-sectional data is from a survey.

## 2.0 HOUSING NEEDS ANALYSIS

wage spectrum, the town has more high-wage *residents* than high-wage *jobs* (where high-wage refers to jobs paying more than \$75,000) (see Figure 6).<sup>12</sup>

**Figure 6: Workers by Earnings In Tiburon, as Place of Work and Place of Residence**



*Universe: Workers 16 years and over with earnings*

*Source: U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519*

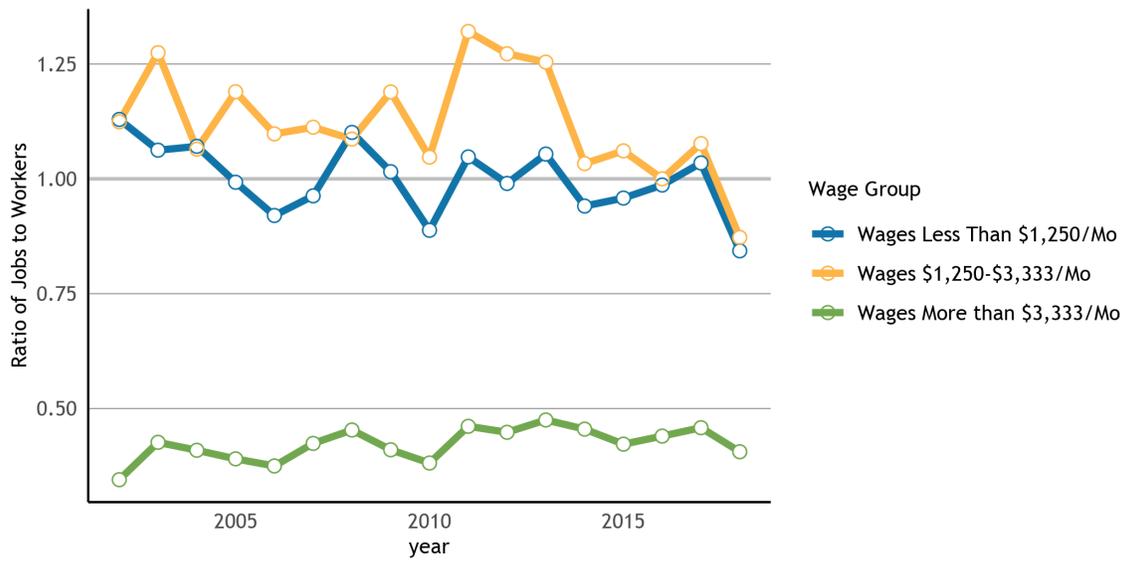
Figure 7 shows the balance of a jurisdiction's resident workers to the jobs located there for different wage groups as a ratio instead - a value of 1 means that a city has the same number of jobs in a wage group as it has resident workers - in principle, a balance. Values above 1 indicate a jurisdiction will need to import workers for jobs in a given wage group. At the regional scale, this ratio is 1.04 jobs for each worker, implying a modest import of workers from outside the region (see Figure 7).

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<sup>12</sup> The source table is top-coded at \$75,000, precluding more fine grained analysis at the higher end of the wage spectrum.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 7: Jobs-Worker Ratios, by Wage Group in Tiburon**



*Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state, and local government) plus United States Office of Personnel Management-sourced Federal employment*

*Notes: The ratio compares job counts by wage group from two tabulations of LEHD data: Counts by place of work relative to counts by place of residence. See text for details.*

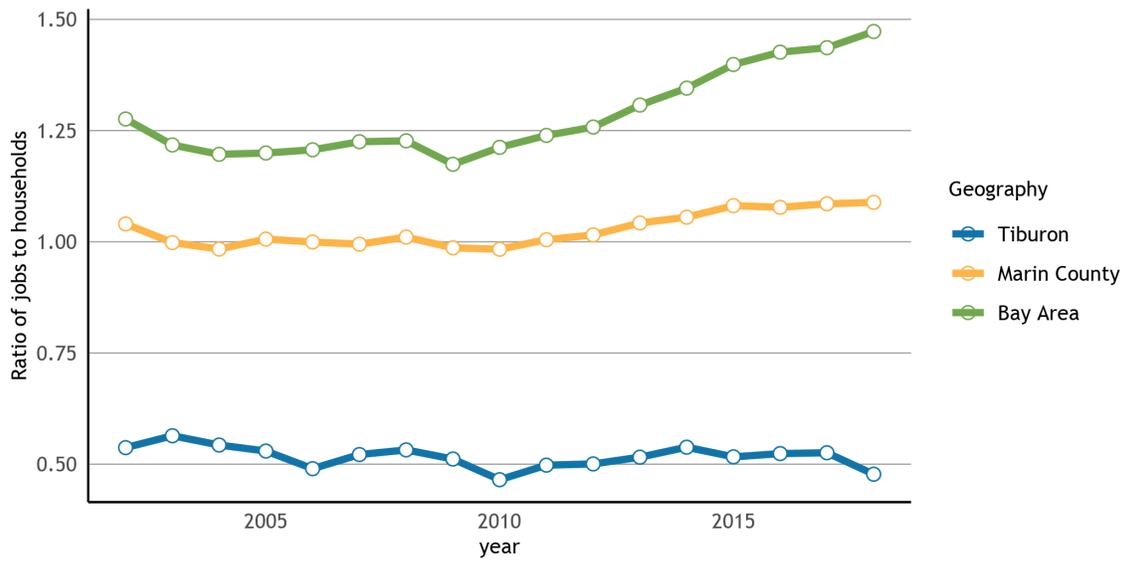
*Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs); Residence Area Characteristics (RAC) files (Employed Residents), 2010-2018*

Such balances between jobs and workers may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly where job growth has been in relatively lower wage jobs. This dynamic results in long commutes and contributes to traffic congestion and time lost for all road users.

If there are more jobs than employed residents, it means a city is relatively jobs-rich, typically also with a high jobs-to-household ratio. The *jobs-household ratio* in Tiburon has decreased from 0.54 in 2002, to 0.48 jobs per household in 2018 (see Figure 8).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 8: Jobs-Household Ratio, Tiburon**



*Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment; households in a jurisdiction*

*Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are crosswalked to jurisdictions and summarized. The ratio compares place of work wage and salary jobs with households, or occupied housing units. A similar measure is the ratio of jobs to housing units. However, this jobs-household ratio serves to compare the number of jobs in a jurisdiction to the number of housing units that are actually occupied. The difference between a jurisdiction's jobs-housing ratio and jobs-household ratio will be most pronounced in jurisdictions with high vacancy rates, a high rate of units used for seasonal use, or a high rate of units used as short-term rentals.*

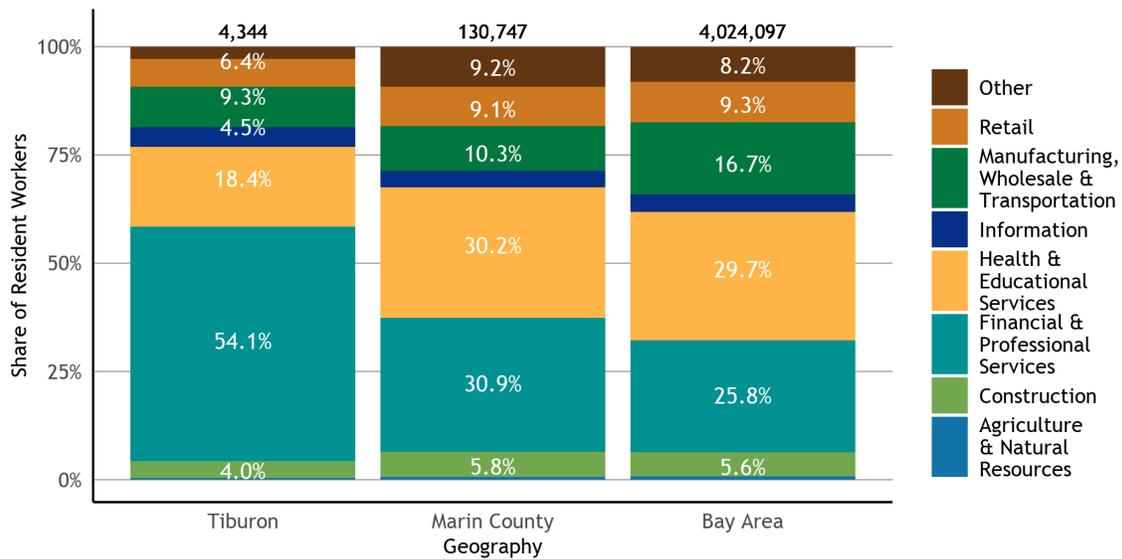
*Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-5 (Households)*

### JOB SECTOR COMPOSITION

The largest industry in which Tiburon residents work is *Financial & Professional Services*, as is the largest sector in which Marin residents work (see Figure 9). For the Bay Area as a whole, the *Health & Educational Services* industry employs the most workers.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 9: Resident Employment by Industry, Tiburon**



Notes: The data displayed shows the industries in which jurisdiction residents work, regardless of the location where those residents are employed (whether within the jurisdiction or not). Categories are derived from the following source tables: Agriculture & Natural Resources: C24030\_003E, C24030\_030E; Construction: C24030\_006E, C24030\_033E; Manufacturing, Wholesale & Transportation: C24030\_007E, C24030\_034E, C24030\_008E, C24030\_035E, C24030\_010E, C24030\_037E; Retail: C24030\_009E, C24030\_036E; Information: C24030\_013E, C24030\_040E; Financial & Professional Services: C24030\_014E, C24030\_041E, C24030\_017E, C24030\_044E; Health & Educational Services: C24030\_021E, C24030\_024E, C24030\_048E, C24030\_051E; Other: C24030\_027E, C24030\_054E, C24030\_028E, C24030\_055E

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C24030

## 2.4 HOUSEHOLD CHARACTERISTICS

### EXTREMELY LOW-INCOME HOUSEHOLDS

Despite the economic and job growth experienced throughout the region since 1990, the income gap has continued to widen. California is one of the most economically unequal states in the nation, and the Bay Area has the highest income inequality between high- and low-income households in the state<sup>13</sup>.

In Tiburon, 68.6% of households make more than 100% of the Area Median Income (AMI)<sup>14</sup>, compared to 7.1% making less than 30% of AMI, which is considered extremely low-income (see Figure 10).

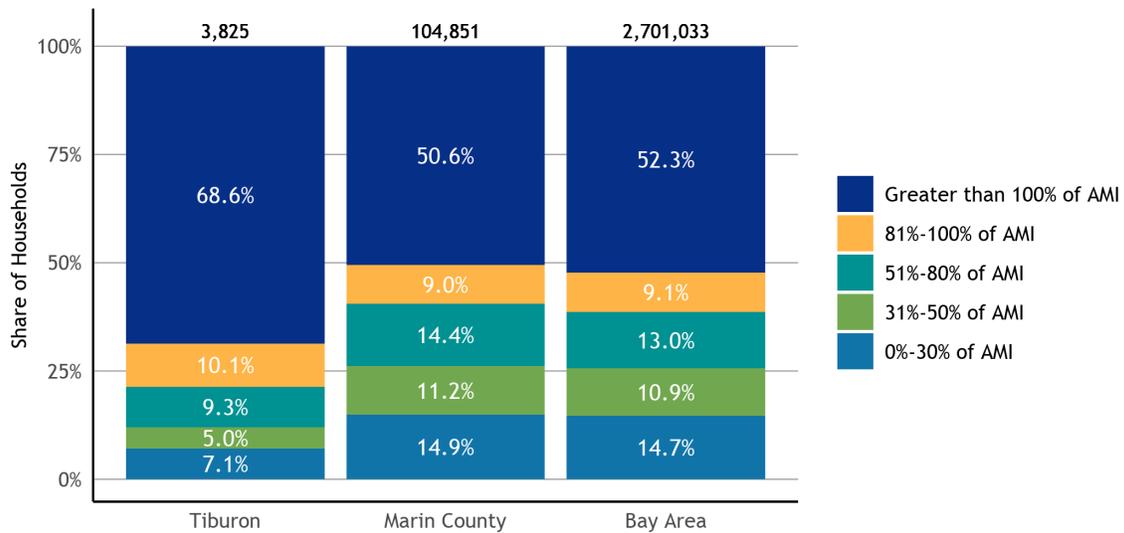
<sup>13</sup> Bohn, S.et al. 2020. Income Inequality and Economic Opportunity in California. *Public Policy Institute of California*.

<sup>14</sup> Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco

## 2.0 HOUSING NEEDS ANALYSIS

Regionally, more than half of all households make more than 100% AMI, while 15% make less than 30% AMI. In Marin County, 30% AMI is the equivalent to the annual income of \$44,000 for a family of four. Many households with multiple wage earners – including food service workers, full-time students, teachers, farmworkers, and healthcare professionals – can fall into lower AMI categories due to relatively stagnant wages in many industries.

**Figure 10: Households by Household Income Level in Tiburon**



Universe: Occupied housing units

Notes: Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located. The data that is reported for the Bay Area is not based on a regional AMI but instead refers to the regional total of households in an income group relative to the AMI for the county where that household is located. Local jurisdictions are required to provide an estimate for their projected extremely low-income households (0-30% AMI) in their Housing Elements. HCD's official Housing Element guidance notes that jurisdictions can use their RHNA for very low-income households (those making 0-50% AMI) to calculate their projected extremely low-income households. As Bay Area jurisdictions have not yet received their final RHNA numbers, this document does not contain the required data point of projected extremely low-income households. The report portion of the housing data needs packet contains more specific guidance for how local staff

Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located. Households making between 80 and 120 percent of the AMI are moderate-income, those making 50 to 80 percent are low-income, those making 30 to 50 percent are very low-income, and those making less than 30 percent are extremely low-income. This is then adjusted for household size.

## 2.0 HOUSING NEEDS ANALYSIS

can calculate an estimate for projected extremely low-income households once jurisdictions receive their 6th cycle RHNA numbers.

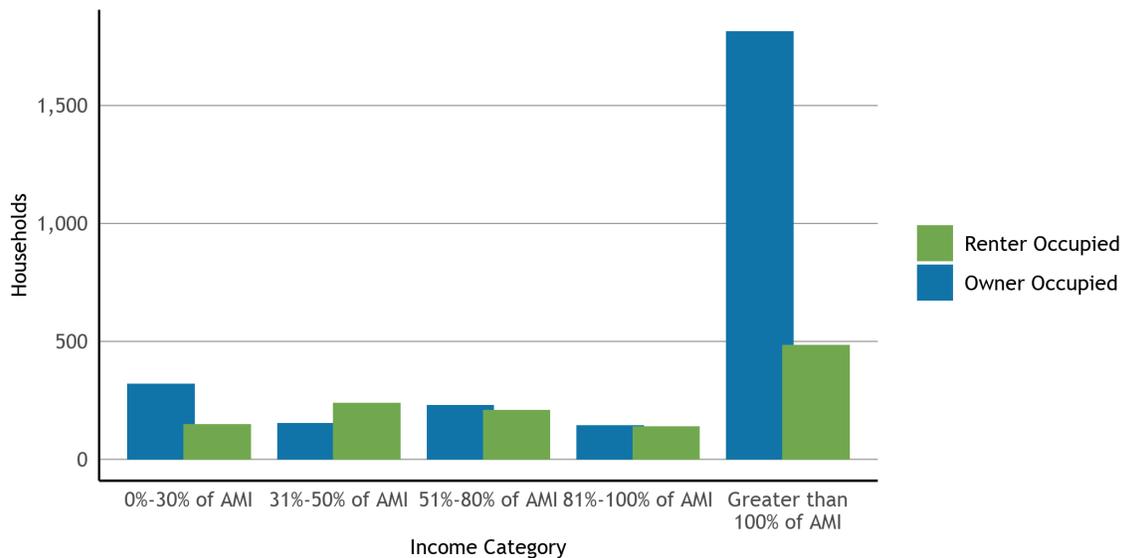
Source: U.S. Department of Housing and Urban Development (HUD), *Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*

Throughout the region, there are disparities between the incomes of homeowners and renters. Typically, the number of low-income renters greatly outpaces the amount of housing available that is affordable for these households.

In Tiburon, the largest proportion of renters falls in the *Greater than 100% of AMI* income group, while the largest proportion of homeowners are found in the *Greater than 100% of AMI* group (see Figure 12).

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-e Home Match Services* to help extremely low-income homeowners develop a source of income and *Program H-u Rehabilitation Loan Programs* to provide these homeowners with money to make necessary repairs. *Program H-z Tenant Protection Strategies* will help to protect extremely low-income renters from rising rents.

**Figure 11: Household Income Level by Tenure in Tiburon**



Universe: Occupied housing units

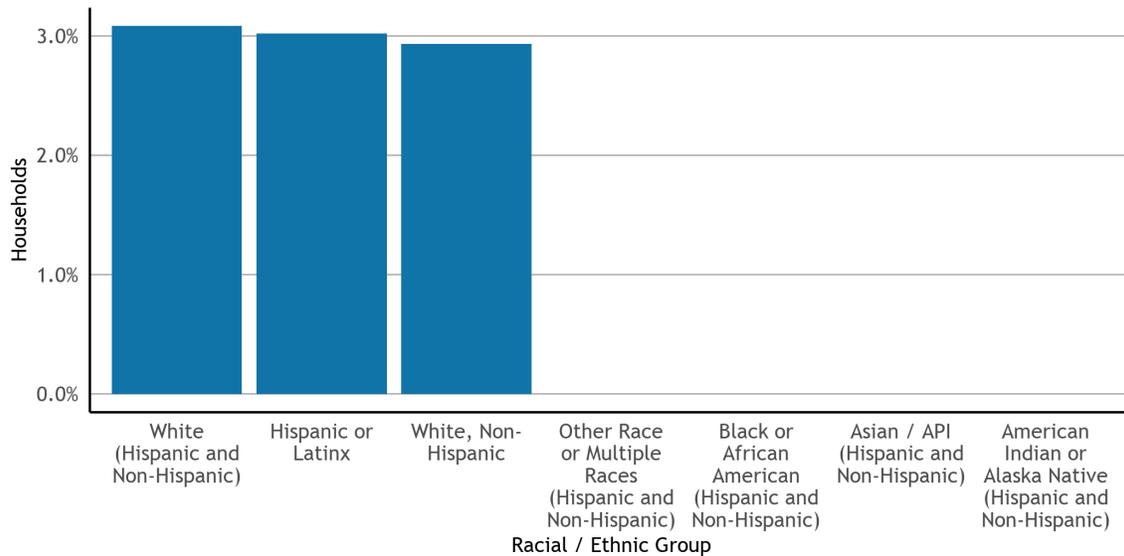
Notes: Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

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

## 2.0 HOUSING NEEDS ANALYSIS

Currently, people of color are more likely to experience poverty and financial instability as a result of historical federal and local housing policies that excluded them from the same opportunities extended to white residents.<sup>15</sup> These economic disparities also leave communities of color at higher risk for housing insecurity, displacement, or homelessness. In Tiburon, White (Hispanic and Non-Hispanic) residents experience the highest rates of poverty (see Figure 12).

**Figure 12: Poverty Status by Race in Tiburon**



*Universe: Population for whom poverty status is determined*

*Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income. For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the population for whom poverty status is determined for this jurisdiction. However, all groups labelled “Hispanic and Non-Hispanic” are mutually exclusive, and the sum of the data for these groups is equivalent to the population for whom poverty status is determined.*

*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17001(A-I)*

## TENURE

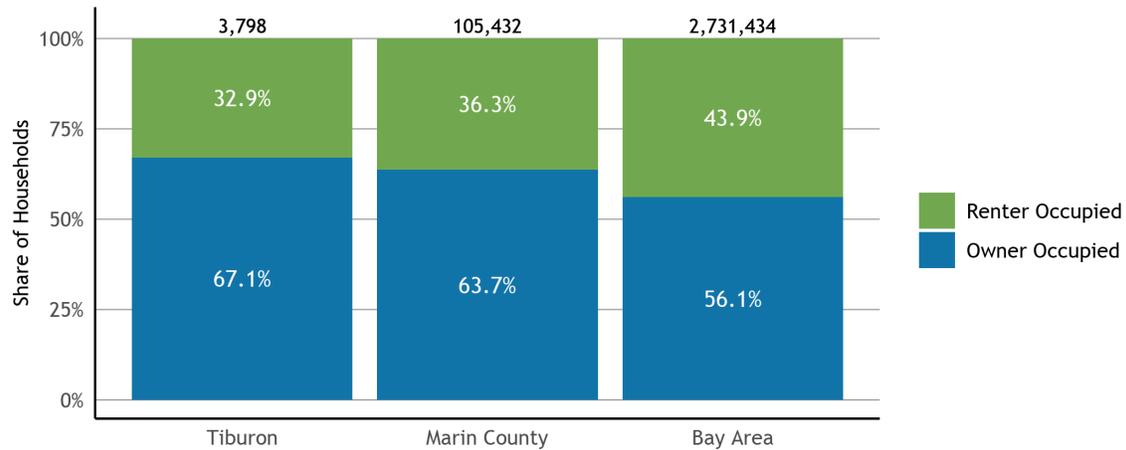
The number of residents who own their homes compared to those who rent their homes can help identify the level of housing insecurity – ability for individuals to stay in their homes – in a city and region. Generally, renters may be displaced more quickly if prices increase. In Tiburon there are a total

<sup>15</sup> Moore, E., Montojo, N. and Mauri, N., 2019. Roots, Race & Place: A History of Racially Exclusionary Housing the San Francisco Bay Area. *Hass Institute*.

## 2.0 HOUSING NEEDS ANALYSIS

of 3,798 housing units, and fewer residents rent than own their homes: 32.9% versus 67.1% (see Figure 13). By comparison, 36.3% of households in Marin County are renters, while 44% of Bay Area households rent their homes.

**Figure 13: Housing Tenure in Tiburon**



*Universe: Occupied housing units*

*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003*

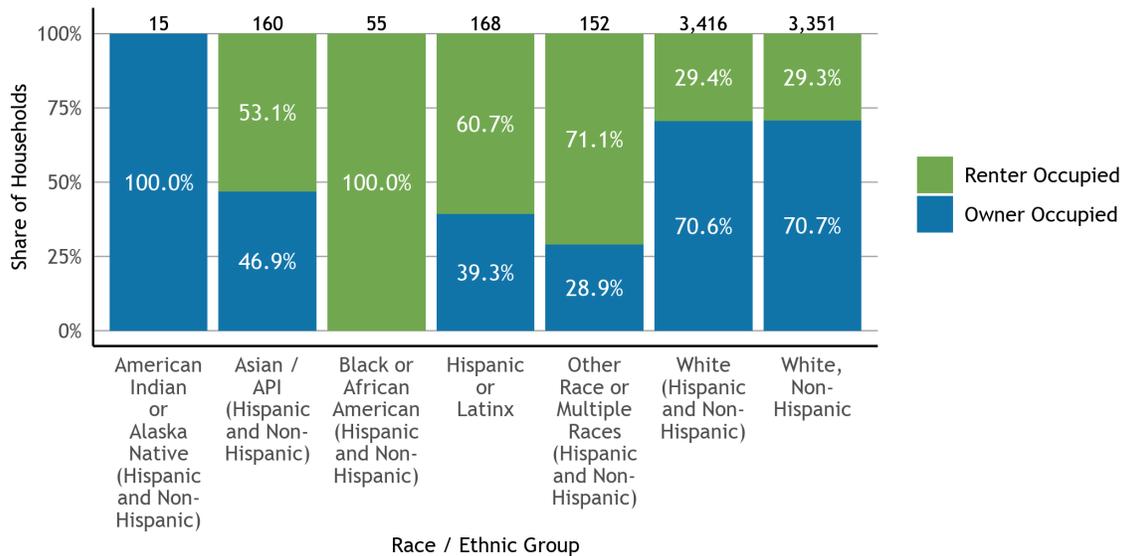
Homeownership rates often vary considerably across race/ethnicity in the Bay Area and throughout the country. These disparities not only reflect differences in income and wealth but also stem from federal, state, and local policies that limited access to homeownership for communities of color while facilitating homebuying for white residents. While many of these policies, such as redlining, have been formally disbanded, the impacts of race-based policy are still evident across Bay Area communities.<sup>16</sup> In Tiburon, 0.0% of Black households owned their homes, while homeownership rates were 46.9% for Asian households, 39.3% for Latinx households, and 70.6% for White households. Notably, recent changes to state law require local jurisdictions to examine these dynamics and other fair housing issues when updating their Housing Elements.

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<sup>16</sup> See, for example, Rothstein, R. (2017). *The color of law : a forgotten history of how our government segregated America*. New York, NY & London, UK: Liveright Publishing.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 14: Housing Tenure by Race of Householder in Tiburon**



Universe: Occupied housing units

Notes: For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled "Hispanic and Non-Hispanic" are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.

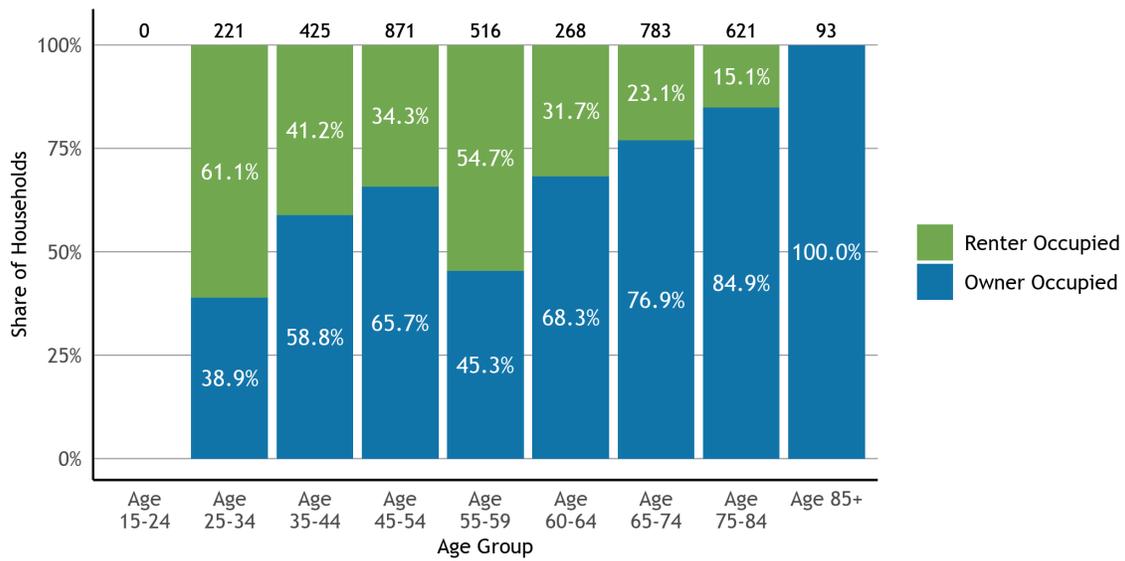
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I)

The age of residents who rent or own their home can also signal the housing challenges a community is experiencing. Younger households tend to rent and may struggle to buy a first home in the Bay Area due to high housing costs. At the same time, senior homeowners seeking to downsize may have limited options in an expensive housing market.

In Tiburon, 48.0% of householders between the ages of 25 and 44 are renters, while 18.4% of householders over 65 are renters (see Figure 15).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 15: Housing Tenure by Age in Tiburon**



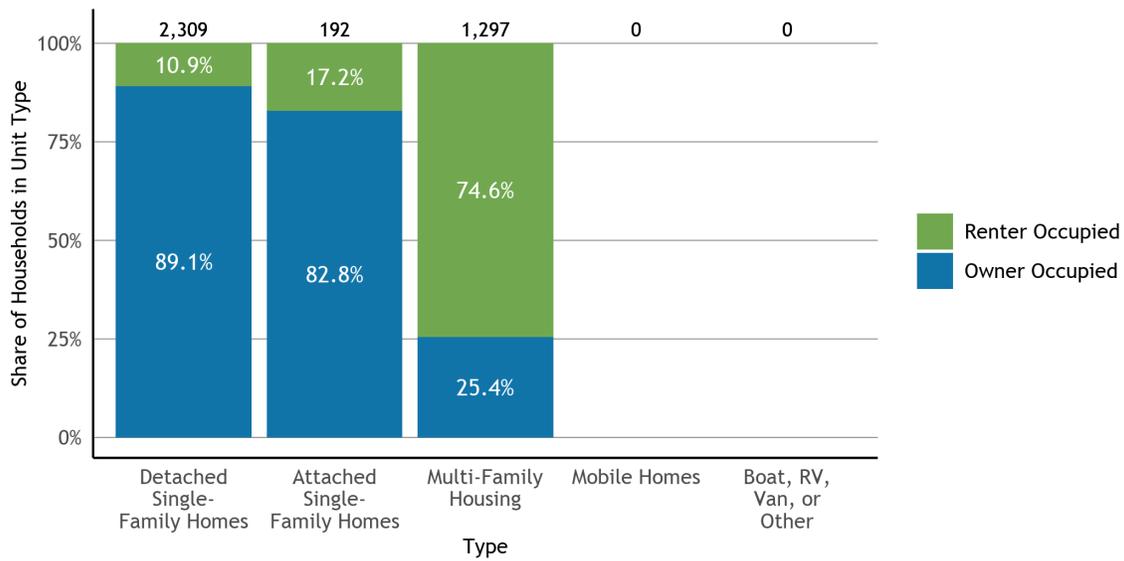
Universe: Occupied housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25007

In many cities, homeownership rates for households in single-family homes are substantially higher than the rates for households in multifamily housing. In Tiburon, 89.1% of households in detached single-family homes are homeowners, while 25.4% of households in multifamily housing are homeowners (see Figure 16).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 16: Housing Tenure by Housing Type in Tiburon**



Universe: Occupied housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25032

### DISPLACEMENT

Because of increasing housing prices, displacement is a major concern in the Bay Area. Displacement has the most severe impacts on low- and moderate-income residents. When individuals or families are forced to leave their homes and communities, they also lose their support network.

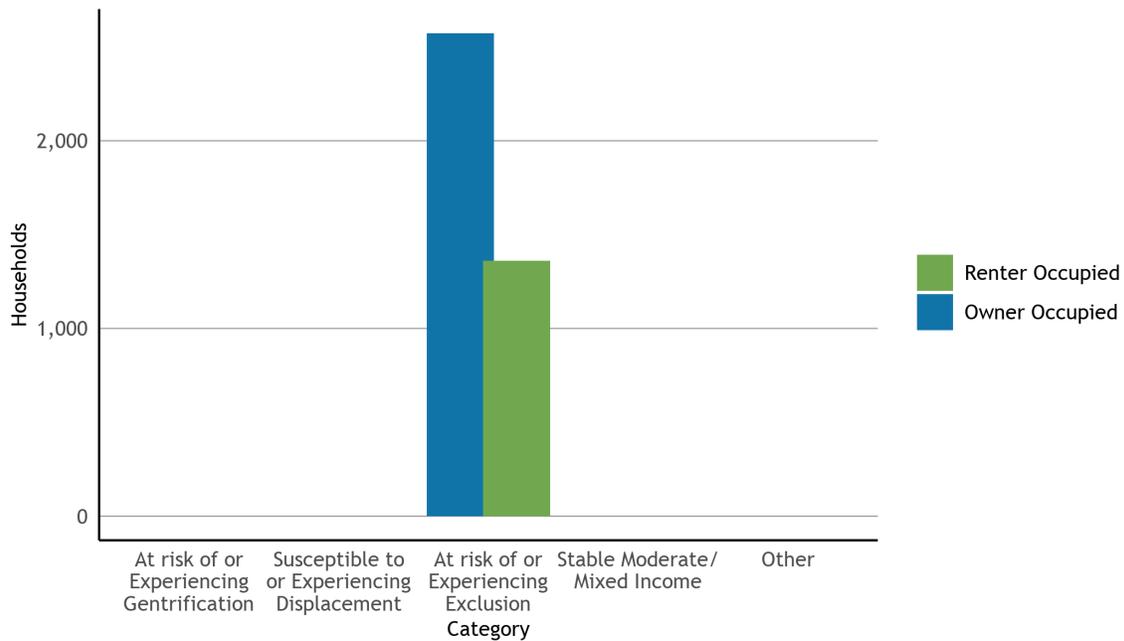
The University of California, Berkeley has mapped all neighborhoods in the Bay area, identifying their risk for gentrification. They find that in Tiburon, 0.0% of households live in neighborhoods that are susceptible to or experiencing displacement and 0.0% live in neighborhoods at risk of or undergoing gentrification.

Equally important, some neighborhoods in the Bay Area do not have housing appropriate for a broad section of the workforce. UC Berkeley estimates that 100% of households in Tiburon live in neighborhoods where low-income households are likely to be excluded due to prohibitive housing costs.<sup>17</sup>

<sup>17</sup> More information about this gentrification and displacement data is available at the Urban Displacement Project's webpage: <https://www.urbandisplacement.org/>. Specifically, one can learn more about the different gentrification/displacement typologies shown in Figure 18 at this link: [https://www.urbandisplacement.org/sites/default/files/typology\\_sheet\\_2018\\_0.png](https://www.urbandisplacement.org/sites/default/files/typology_sheet_2018_0.png). Additionally, one can view maps that show which typologies correspond to which parts of a jurisdiction here: <https://www.urbandisplacement.org/san-francisco/sf-bay-area-gentrification-and-displacement>

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 17: Households by Displacement Risk and Tenure in Tiburon**



Universe: Households

Notes: Displacement data is available at the census tract level. Staff aggregated tracts up to jurisdiction level using census 2010 population weights, assigning a tract to jurisdiction in proportion to block level population weights. Total household count may differ slightly from counts in other tables sourced from jurisdiction level sources. Categories are combined as follows for simplicity: At risk of or Experiencing Exclusion: At Risk of Becoming Exclusive; Becoming Exclusive; Stable/Advanced Exclusive At risk of or Experiencing Gentrification: At Risk of Gentrification; Early/Ongoing Gentrification; Advanced Gentrification Stable Moderate/Mixed Income: Stable Moderate/Mixed Income Susceptible to or Experiencing Displacement: Low-Income/Susceptible to Displacement; Ongoing Displacement Other: High Student Population; Unavailable or Unreliable Data

Source: Urban Displacement Project for classification, American Community Survey 5-Year Data (2015-2019), Table B25003 for tenure.

## 2.5 HOUSING STOCK CHARACTERISTICS

### HOUSING TYPES, YEAR BUILT, VACANCY, AND PERMITS

In recent years, most housing produced in the region and across the state consisted of single-family homes and larger multi-unit buildings. However, some households are increasingly interested in “missing middle housing” – including duplexes, triplexes, townhomes, cottage clusters, and accessory dwelling units (ADUs). These housing types may open up more options across incomes and tenure, from young households seeking homeownership options to seniors looking to downsize and age-in-place.

The housing stock of Tiburon in 2020 was made up of 65.4% single-family detached homes, 9.5% single-family attached homes, 9.4% multi-family homes with 2 to 4 units, 15.4% multifamily homes with 5 or more units, and 0.3% mobile homes (see Figure 18). In Tiburon, the housing type that experienced the most growth between 2010 and 2020 was *Single-Family Home: Detached*.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 18: Housing Type Trends in Tiburon**

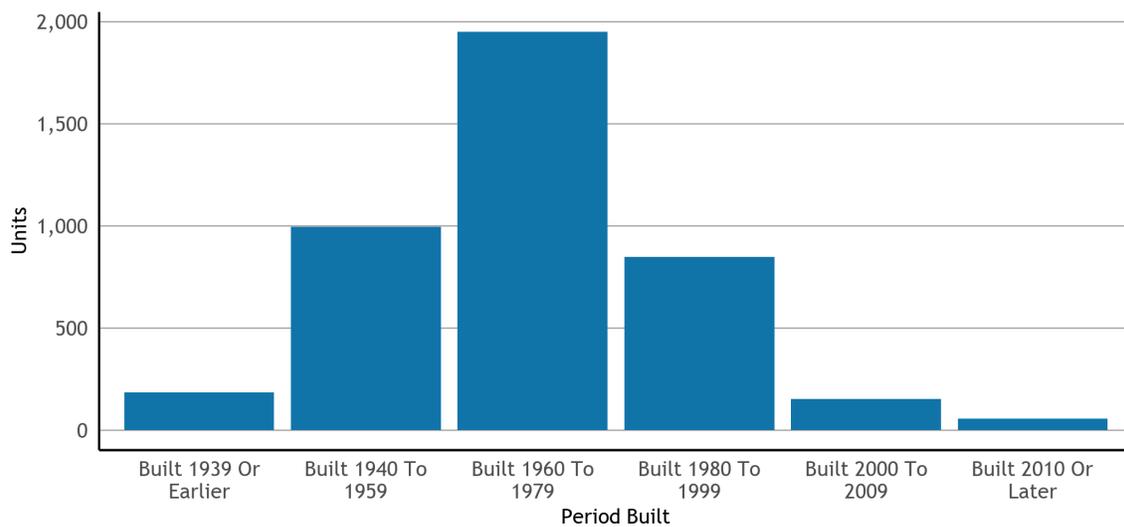


Universe: Housing units

Source: California Department of Finance, E-5 series

Production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the population and job growth experienced throughout the region. In Tiburon, the largest proportion of the housing stock was built 1960 to 1979, with 1,950 units constructed during this period (see Figure 19). Between 2010 and 2020, 1.3% of the housing stock was built, which was 56 units.

**Figure 19: Housing Units by Year Structure Built in Tiburon**



Universe: Housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

## 2.0 HOUSING NEEDS ANALYSIS

Vacant units make up 9.3% of the overall housing stock in Tiburon. The rental vacancy stands at 6.9%, while the ownership vacancy rate is 1.8%. Of the vacant units, the most common type of vacancy is *Other Vacant* (see Figure 20).<sup>18</sup>

Throughout the Bay Area, vacancies make up 2.6% of the total housing units, with homes listed for rent; units used for *recreational or occasional use*, and units not otherwise classified (*other vacant*) making up the majority of vacancies. The Census Bureau classifies a unit as vacant if no one is occupying it when census interviewers are conducting the American Community Survey or Decennial Census. Vacant units classified as “for recreational or occasional use” are those that are held for short-term periods of use throughout the year. Accordingly, vacation rentals and short-term rentals like Airbnb are likely to fall in this category. The Census Bureau classifies units as “other vacant” if they are vacant due to foreclosure, personal/family reasons, legal proceedings, repairs/renovations, abandonment, preparation for being rented or sold, or vacant for an extended absence for reasons such as a work assignment, military duty, or incarceration.<sup>19</sup> In a region with a thriving economy and housing market like the Bay Area, units being renovated/repared and prepared for rental or sale are likely to represent a large portion of the “other vacant” category. Additionally, the need for seismic retrofitting in older housing stock could also influence the proportion of “other vacant” units in some jurisdictions.<sup>20</sup>

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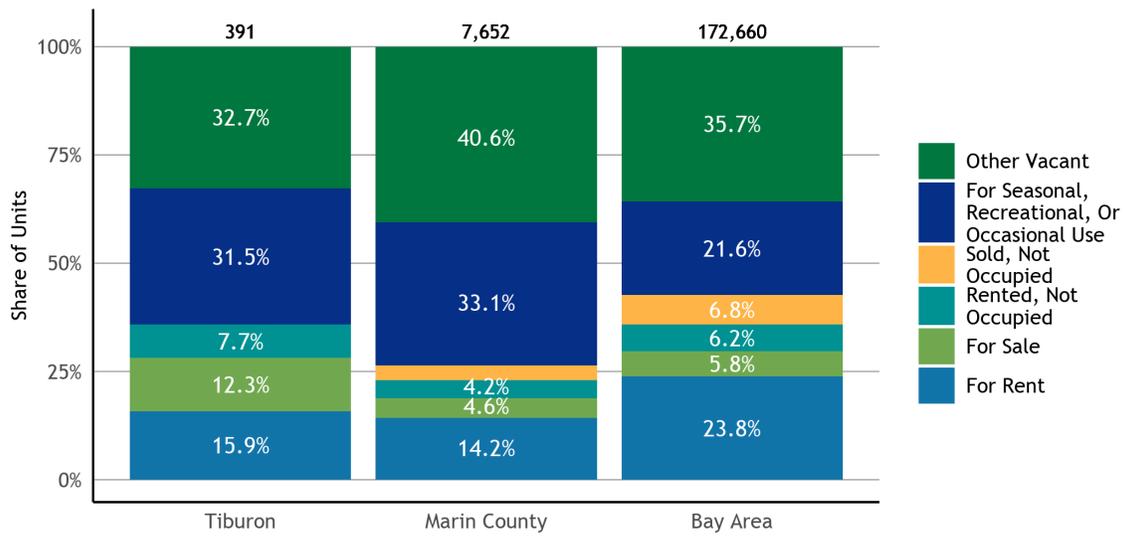
<sup>18</sup> The vacancy rates by tenure is for a smaller universe than the total vacancy rate first reported, which in principle includes the full stock (9.3%). The vacancy by tenure counts are rates relative to the rental stock (occupied and vacant) and ownership stock (occupied and vacant) - but exclude a significant number of vacancy categories, including the numerically significant *other vacant*.

<sup>19</sup> For more information, see pages 3 through 6 of this list of definitions prepared by the Census Bureau: <https://www.census.gov/housing/hvs/definitions.pdf>.

<sup>20</sup> See Dow, P. (2018). Unpacking the Growth in San Francisco’s Vacant Housing Stock: Client Report for the San Francisco Planning Department. University of California, Berkeley.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 20 Vacant Units by Type in Tiburon**



Universe: Vacant housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004

Between 2015 and 2019, sixteen housing units were issued permits in Tiburon. 93.8% of permits issued in Tiburon were for above moderate-income housing, 0% were for moderate-income housing, and 6.2% were for low- or very low-income housing (see Table 3).

**Table 3: Housing Permitting in Tiburon**

Income Group	Number
Above Moderate Income Permits	15
Moderate Income Permits	0
Low Income Permits	1
Very Low Income Permits	0

Universe: Housing permits issued between 2015 and 2019

Notes: HCD uses the following definitions for the four income categories: Very Low Income: units affordable to households making less than 50% of the Area Median Income for the county in which the jurisdiction is located. Low Income: units affordable to households making between 50% and 80% of the Area Median Income for the county in which the jurisdiction is located. Moderate Income: units affordable to households making between 80% and 120% of the Area Median Income for the county in which the jurisdiction is located. Above Moderate Income: units affordable to households making above 120% of the Area Median Income for the county in which the jurisdiction is located.

Source: California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020)

## 2.0 HOUSING NEEDS ANALYSIS

### ASSISTED HOUSING DEVELOPMENTS AT-RISK OF CONVERSION

While there is an immense need to produce new affordable housing units, ensuring that the existing affordable housing stock remains affordable is equally important. Additionally, it is typically faster and less expensive to preserve existing affordable units that are at risk of converting to market-rate than it is to build new affordable housing.

The data in the Table 4 comes from the California Housing Partnership’s Preservation Database, the state’s most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing. However, this database does not include all deed-restricted affordable units in the state, so there may be at-risk assisted units in a jurisdiction that are not captured in this data table. There are 118 assisted units in Tiburon in the Preservation Database. Of these units, 0.0% are at *High Risk* or *Very High Risk* of conversion.<sup>21</sup>

**Table 4: Assisted Units at Risk of Conversion**

Income	Tiburon	Marin County	Bay Area
Low	78	2,368	110,177
Moderate	0	0	3,375
High	0	56	1,854
Very High	0	17	1,053
Total Assisted Units in Database	78	2,441	116,459

*Universe: HUD, Low-Income Housing Tax Credit (LIHTC), USDA, and CalHFA projects. Subsidized or assisted developments that do not have one of the aforementioned financing sources may not be included.*

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<sup>21</sup> California Housing Partnership uses the following categories for assisted housing developments in its database:

**Very-High Risk:** affordable homes that are at-risk of converting to market rate within the next year that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

**High Risk:** affordable homes that are at-risk of converting to market rate in the next 1-5 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

**Moderate Risk:** affordable homes that are at-risk of converting to market rate in the next 5-10 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

**Low Risk:** affordable homes that are at-risk of converting to market rate in 10+ years and/or are owned by a large/stable non-profit, mission-driven developer.

## 2.0 HOUSING NEEDS ANALYSIS

There are a total of 162 below market rate units within existing housing developments in Tiburon. Table 5 lists these affordable housing developments and indicates the timeframe for which the affordability of the units is protected. This table includes all housing units that were financed with state, federal, or local funding sources.

**Table 5: Deed-Restricted Affordable Housing in Tiburon**

Development	Very Low Income Units	Low Income Units	Moderate Income Units	Conserved Until
Chandler's Gate	4	0	0	2057
Hilarita Apartments	84	7	0	Perpetuity
Tiburon Hill Estates	0	16	0	Perpetuity
Point Tiburon Marsh	0	0	20	>2027
Cecilia Place	16	0	0	2092
Bradley House	0	15	0	12/31/30
Total units	104	38	20	

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-m directs the Town to monitor the potential expiration of funding and to assist in maintaining the affordability of the development.

The 20 affordable 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

## 2.0 HOUSING NEEDS ANALYSIS

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 these funds 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-t *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.

### SUBSTANDARD HOUSING

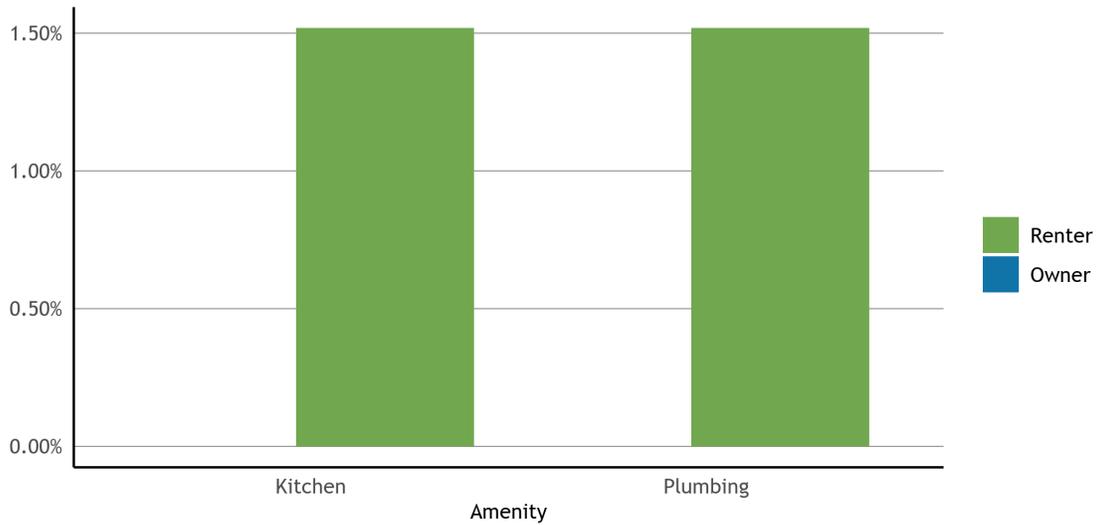
Housing costs in the region are among the highest in the country, which could result in households, particularly renters, needing to live in substandard conditions in order to afford housing. Generally, there is limited data on the extent of substandard housing issues in a community. However, the Census Bureau data included in Figure 22 gives a sense of some of the substandard conditions that may be present in Tiburon. For example, 1.5% of renters in Tiburon reported lacking a kitchen and 0% of renters lack plumbing, compared to 0% of owners who lack a kitchen and 0% of owners who lack plumbing.

In general, the condition of Tiburon's housing stock is excellent. Due to the high real estate value in Tiburon, properties, especially single-family houses, are generally well-maintained. According to Town Planning & Building staff, EAH is currently rehabilitating the Hilarita, a 91-unit affordable housing development. Approximately 120-150 apartments are in need of rehabilitation, and no housing units are in need of replacement.

The Housing Element contains programs to promote available rehabilitation loans to lower income households. Programs include H-u *Rehabilitation Loan Programs* and H-aa *Link Code Enforcement with Public Information Programs on Town Standards, Rehabilitation, and Energy Loan Programs*.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 21: Substandard Housing Issues in Tiburon**



Universe: Occupied housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25053, Table B25043, Table B25049

The Housing Element contains several programs to assist low-income households in performing necessary repairs and upgrades including Program H-a *Improve Community Awareness of Housing needs, issues, and Programs*; Program H-t *Rehabilitation Loan Programs*; and Program H-aa *Link Code Enforcement with Public Information Programs on Town Standards and Rehabilitation, and Energy Loan Programs*.

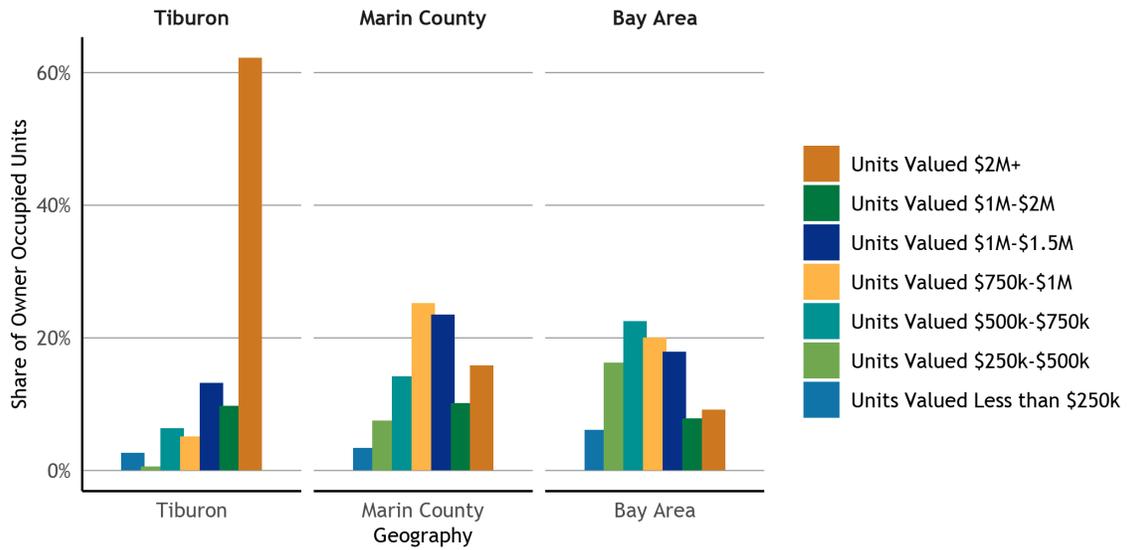
### HOME AND RENT VALUES

Home prices reflect a complex mix of supply and demand factors, including an area’s demographic profile, labor market, prevailing wages, and job outlook, coupled with land and construction costs. In the Bay Area, the costs of housing have long been among the highest in the nation. The typical home value in Tiburon was estimated at \$2,753,430 by December of 2020, per data from Zillow. The largest proportion of homes were valued more than \$2M (see Figure 22). By comparison, the typical home value is \$1,288,800 in Marin County and \$1,077,230 the Bay Area, with the largest share of units valued \$750k-\$1m (county) and \$500k-\$750k (region).

The region’s home values have increased steadily since 2000, besides a decrease during the Great Recession. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area nearly doubling during this time. Since 2001, the typical home value has increased 130.4% in Tiburon from \$1,195,000 to \$2,753,430. This change is below the change in Marin County, and below the change for the region (see Figure 23).

## 2.0 HOUSING NEEDS ANALYSIS

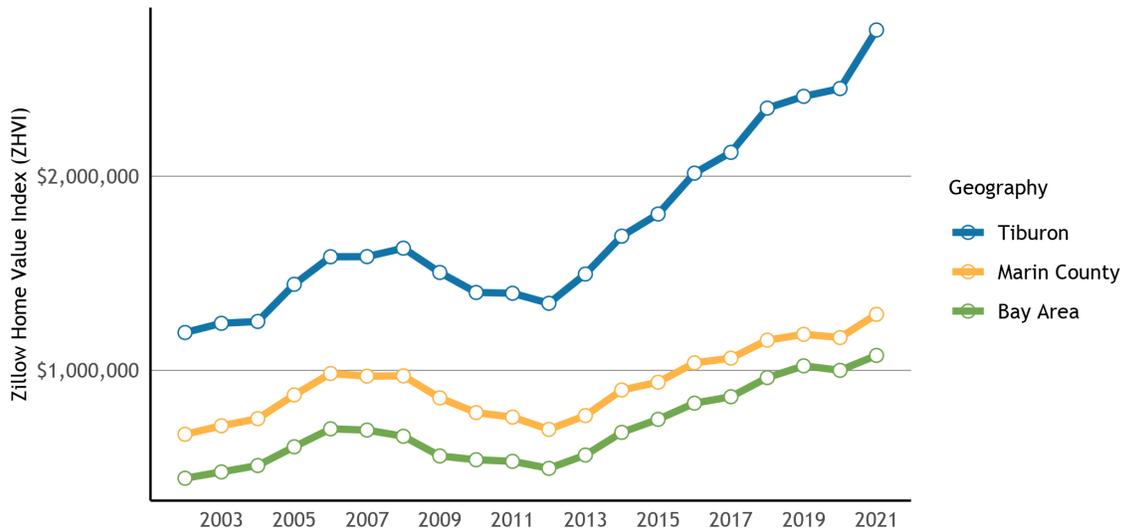
**Figure 22: Home Values of Owner-Occupied Units**



Universe: Owner-occupied units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075

**Figure 23: Zillow Home Value Index (ZHVI)**



Universe: Owner-occupied housing units

Notes: Zillow describes the ZHVI as a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums. More information on the ZHVI is available from Zillow. The regional estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF's E-5 series. For unincorporated areas, the value is a population weighted average of unincorporated communities in the county matched to census-designated population counts.

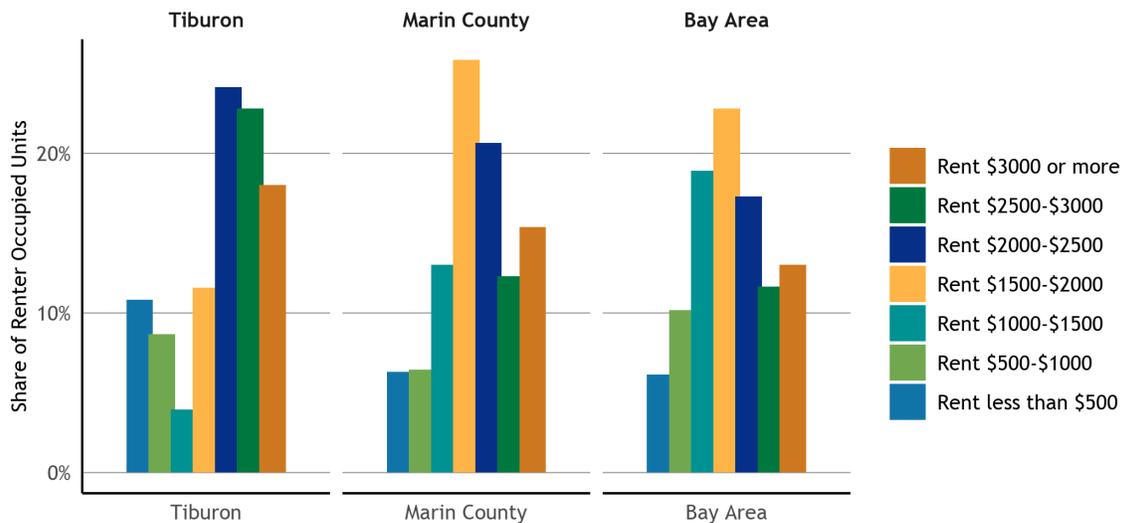
Source: Zillow, Zillow Home Value Index (ZHVI)

## 2.0 HOUSING NEEDS ANALYSIS

Similar to home values, rents have also increased dramatically across the Bay Area in recent years. Many renters have been priced out, evicted, or displaced, particularly communities of color. Residents finding themselves in one of these situations may have had to choose between commuting long distances to their jobs and schools or moving out of the region, and sometimes, out of the state.

In Tiburon, the largest proportion of rental units rented are in the *Rent \$2000-\$2500* category, totaling 24.1%, followed by 22.8% of units renting in the *Rent \$2500-\$3000* category (see Figure 24). Looking beyond the town, the largest share of units is in the *rent for \$1500-\$2000* category.

**Figure 24: Contract Rents for Renter-Occupied Units**



*Universe: Renter-occupied housing units paying cash rent*

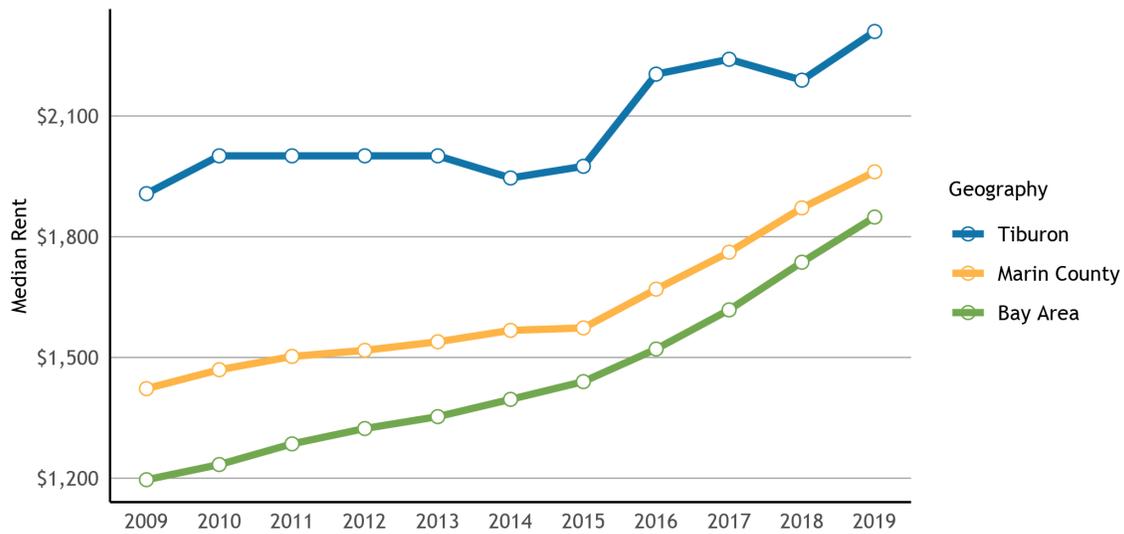
*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056*

Since 2009, the median rent has increased by 21.1% in Tiburon, from \$1,940 to \$2,310 per month (see Figure 25). In Marin County, the median rent has increased 25.1%, from \$1,560 to \$1,960. The median rent in the region has increased significantly during this time from \$1,200 to \$1,850, a 54% increase.<sup>22</sup>

<sup>22</sup> While the data on home values shown in Figure 24 comes from Zillow, Zillow does not have data on rent prices available for most Bay Area jurisdictions. To have a more comprehensive dataset on rental data for the region, the rent data in this document comes from the U.S. Census Bureau’s American Community Survey, which may not fully reflect current rents.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 25: Median Contract Rent**



Universe: Renter-occupied housing units paying cash rent

Source: U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for unincorporated areas).

According to RentCafé, the average rent in Tiburon is \$5,153, and the average unit size is 1,082 square feet. The cost of rent varies according to several factors, including unit size, number of bedrooms, condition, and amenities.<sup>23</sup>

### COST-BURDENED HOUSEHOLDS

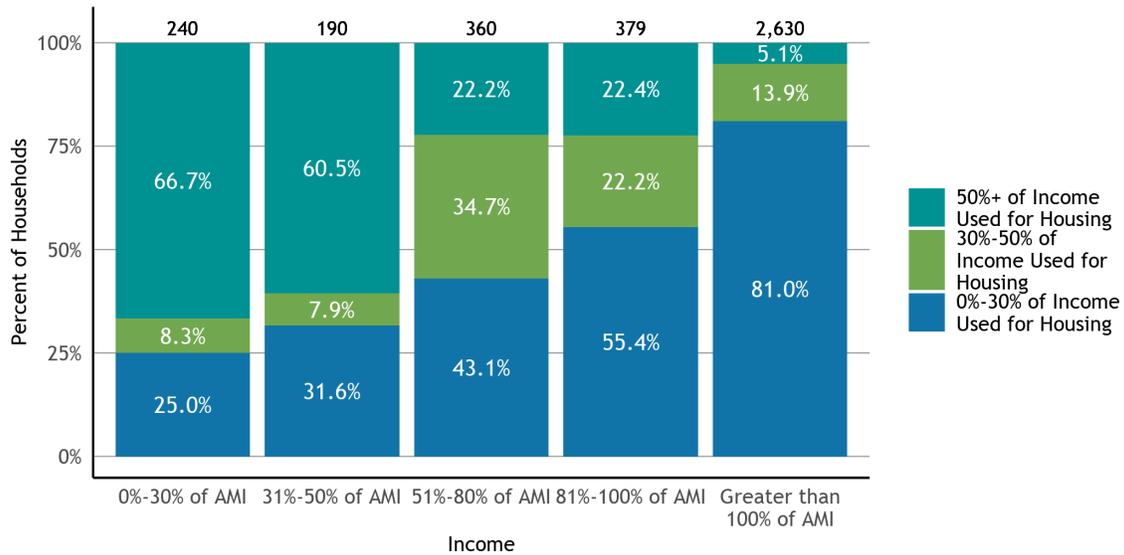
A household is considered “cost-burdened” if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered “severely cost-burdened.” Low-income residents are the most impacted by high housing costs and experience the highest rates of cost burden. Spending such large portions of their income on housing puts low-income households at higher risk of displacement, eviction, or homelessness.

Renters are often more cost-burdened than owners. While the housing market has resulted in home prices increasing dramatically, homeowners often have mortgages with fixed rates, whereas renters are more likely to be impacted by market increases. When looking at the cost burden across tenure in Tiburon, 22.9% of renters spend 30% to 50% of their income on housing compared to 16.8% of those that own (see Figure 26). Additionally, 18.3% of renters spend 50% or more of their income on housing, while 19.3% of owners are severely cost-burdened.

<sup>23</sup> RentCafé, <https://www.rentcafe.com/average-rent-market-trends/us/ca/belvedere-tiburon/>, updated May 2022.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 26: Cost Burden by Tenure in Tiburon**



Universe: Occupied housing units

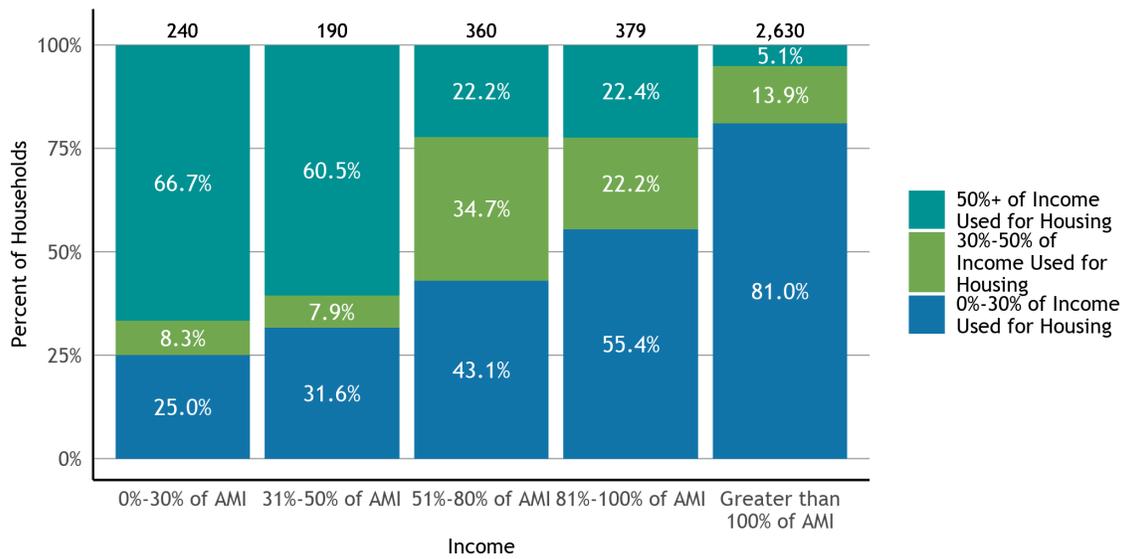
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is “select monthly owner costs”, which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25070, B25091

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.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 27: Cost Burden by Income Level in Tiburon**



Universe: Occupied housing units

Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is “select monthly owner costs”, which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

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

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 6: Household Overpayment by Income and Tenure in Tiburon**

Household by Income & Housing Cost Burden	Total Renters	Total Owners
<b>Extremely Low Income (0-30% of AMI)</b>		
Cost Burden >30% and <50%	110	70
Cost Burden >50%	90	70
<b>Very Low Income Households (31-50% of AMI)</b>		
Cost Burden >30% and <50%	50	80
Cost Burden >50%	50	65

## 2.0 HOUSING NEEDS ANALYSIS

<b>Low Income Households (51-80% of AMI)</b>		
Cost Burden >30% and <50%	120	90
Cost Burden >50%	15	70
<b>Moderate and Above Moderate Income (over 80% of AMI)</b>		
Cost Burden >30% and <50%	115	555
Cost Burden >50%	0	215

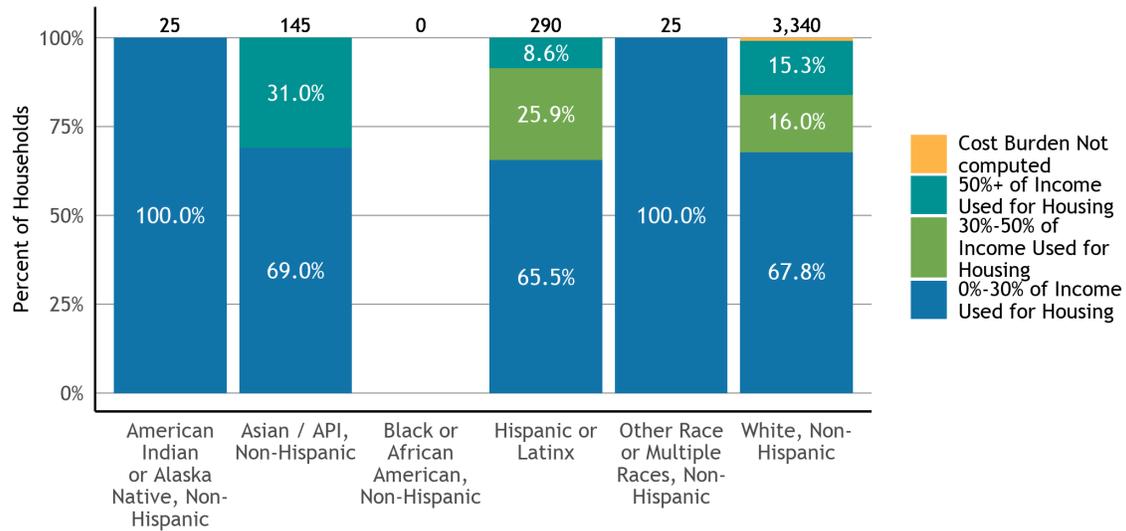
*Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*

Currently, people of color are more likely to experience poverty and financial instability as a result of historical federal and local housing policies that excluded them from the same opportunities extended to white residents. As a result, they often pay a greater percentage of their income on housing, and in turn, are at a greater risk of housing insecurity.

*Hispanic or Latinx* residents are the most cost burdened with 25.9% spending 30% to 50% of their income on housing, and *Asian / API, Non-Hispanic* residents are the most severely cost burdened with 31.0% spending more than 50% of their income on housing (see Figure 28).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 28: Cost Burden by Race in Tiburon**



*Universe: Occupied housing units*

*Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is “select monthly owner costs”, which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. For the purposes of this graph, the “Hispanic or Latinx” racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.*

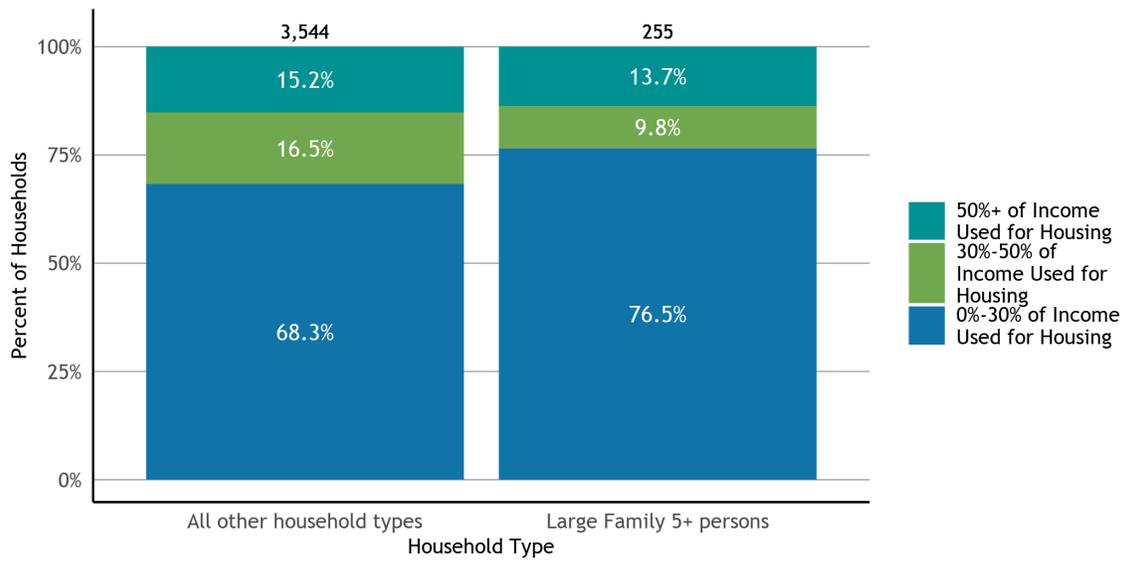
*Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release*

Large family households often have special housing needs due to a lack of available adequately sized affordable housing. The higher costs required for homes with multiple bedrooms can result in larger families experiencing a disproportionate cost burden than the rest of the population and can increase the risk of housing insecurity.

In Tiburon, 9.8% of large family households experience a cost burden of 30%-50%, while 13.7% of households spend more than half of their income on housing. Some 16.5% of all other households have a cost burden of 30%-50%, with 15.2% of households spending more than 50% of their income on housing (see Figure 29).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 29: Cost Burden by Household Size in Tiburon**



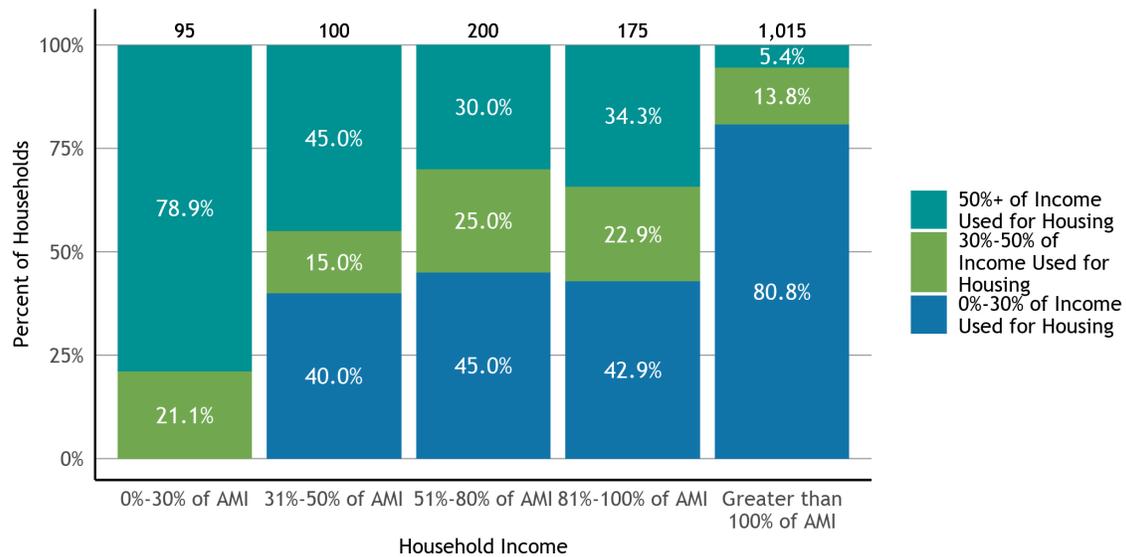
*Universe: Occupied housing units*

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

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).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 30: Cost-Burdened Senior Households by Income in Tiburon**



Universe: Senior households

Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.

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

The fundamental strategy for addressing the Town’s long-term overpayment problem is to create new opportunities for redevelopment of multifamily and mixed-use housing with an emphasis on affordable housing. This is reflected in Program H-l *Redevelopment Funding*; Program H-m *Work with Non-Profits on Housing*; Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites*; Program H-dd *Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinance*; and H-ee *Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*. Other policies and programs address housing overpayment directly, including Program H-w *Rental Assistance Programs*.

### OVERCROWDING

Overcrowding occurs when the number of people living in a household is greater than the home was designed to hold. There are several different standards for defining overcrowding, but this report uses the Census Bureau definition, which is more than one occupant per room (not including bathrooms or kitchens). Additionally, the Census Bureau considers units with more than 1.5 occupants per room to be severely overcrowded.

Overcrowding is often related to the cost of housing and can occur when demand in a city or region is high. In many cities, overcrowding is seen more amongst those that are renting, with multiple households sharing a unit to make it possible to stay in their communities. In Tiburon, 4.2% of households that rent are severely overcrowded (more than 1.5 occupants per room), compared to 0% of households that own (see Figure 31). In Tiburon, 4.4% of renters experience moderate overcrowding (1 to 1.5 occupants per room), compared to 0% for those who own.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 31: Overcrowding by Tenure and Severity in Tiburon**



*Universe: Occupied housing units*

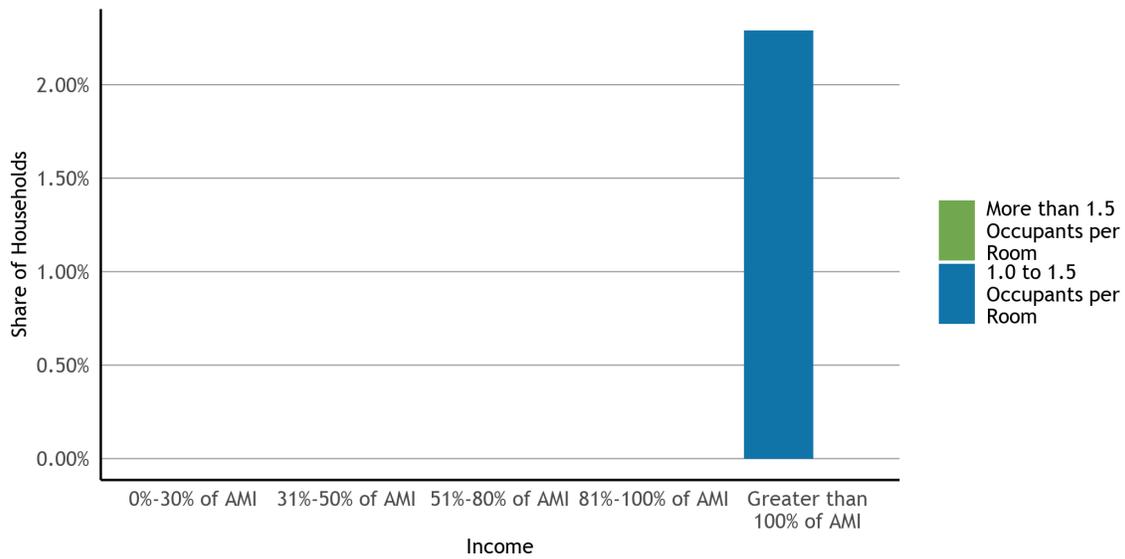
*Notes: The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded.*

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

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.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 32: Overcrowding by Income Level and Severity in Tiburon**

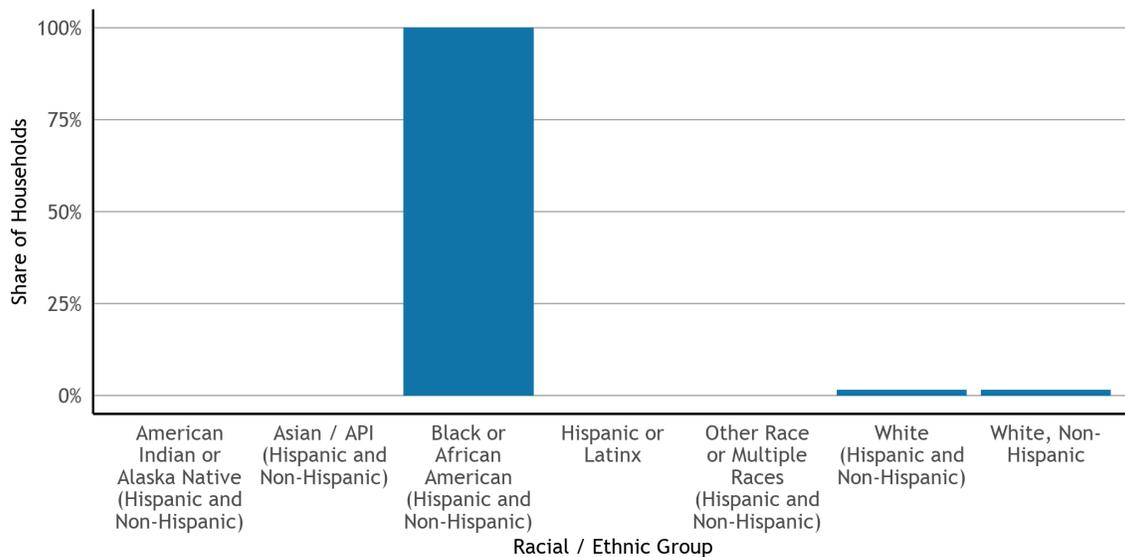


Universe: Occupied housing units

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

Communities of color are more likely to experience overcrowding similar to how they are more likely to experience poverty, financial instability, and housing insecurity. People of color tend to experience overcrowding at higher rates than White residents. In Tiburon, the racial group with the largest overcrowding rate is *Black or African American (Hispanic and Non-Hispanic)* (see Figure 33).

**Figure 33: Overcrowding by Race in Tiburon**



Universe: Occupied housing units

## 2.0 HOUSING NEEDS ANALYSIS

Notes: For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled “Hispanic and Non-Hispanic” are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.

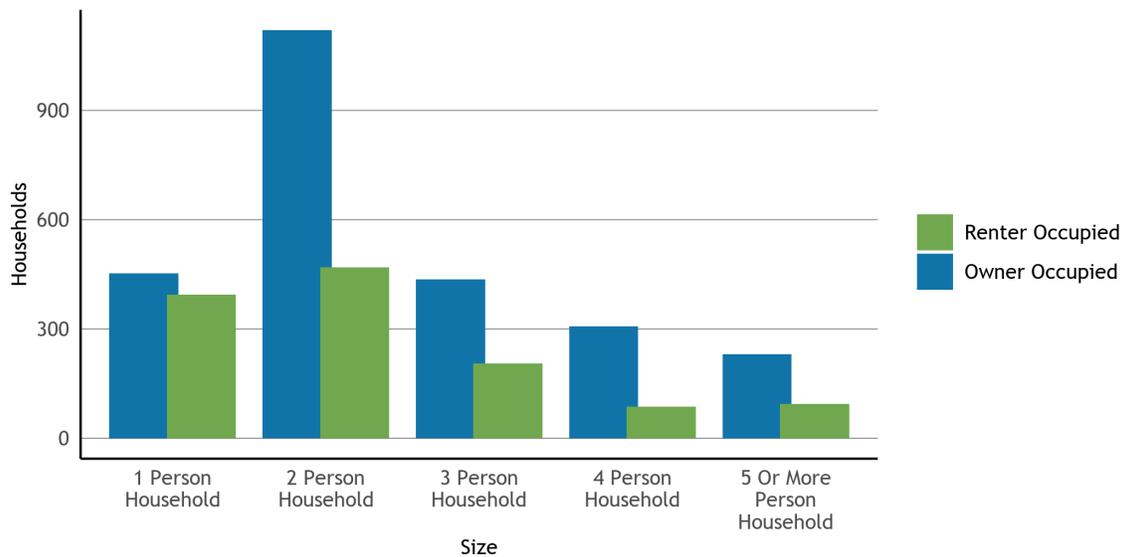
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25014

### 2.6 SPECIAL HOUSING NEEDS

#### LARGE HOUSEHOLDS

Large households often have different housing needs than smaller households. If a city’s rental housing stock does not include larger apartments, large households who rent could end up living in overcrowded conditions. In Tiburon, for large households with 5 or more persons, most units (70.9%) are owner occupied (see Figure 34). In 2017, 3.9% of large households were very low-income, earning less than 50% of the area median income (AMI).

Figure 34: Household Size by Tenure in Tiburon



Universe: Occupied housing units

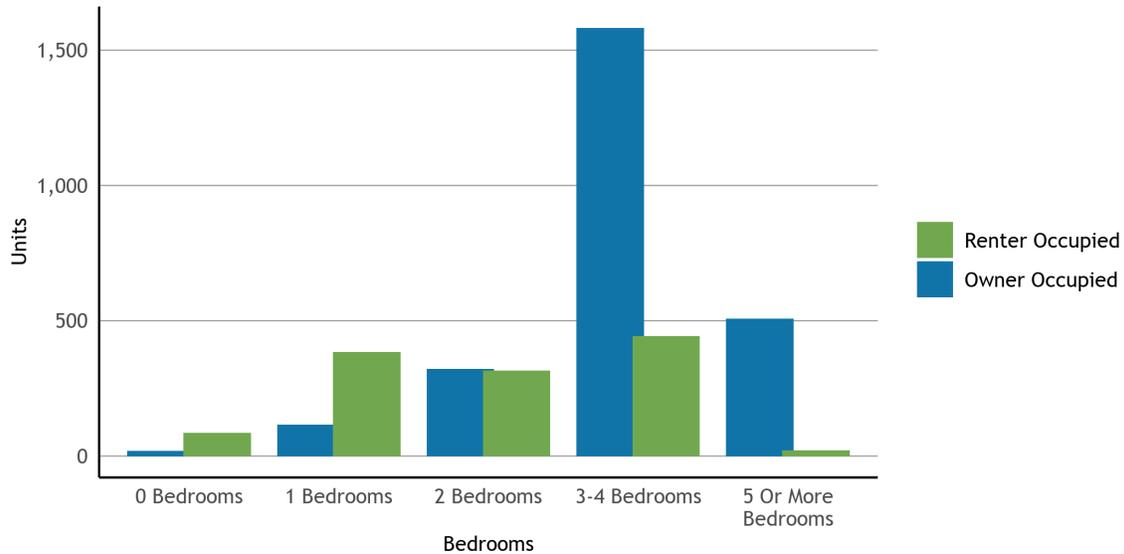
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009

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

## 2.0 HOUSING NEEDS ANALYSIS

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.

**Figure 35: Housing Units by Number of Bedrooms in Tiburon**



Universe: Housing units

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25042

### *Strategies and Programs to Meet the Projected Needs of Large Households*

Large households would benefit from multifamily housing that includes childcare facilities. Housing with large-household units should be located near public transit, schools, parks and recreational facilities, and the library.

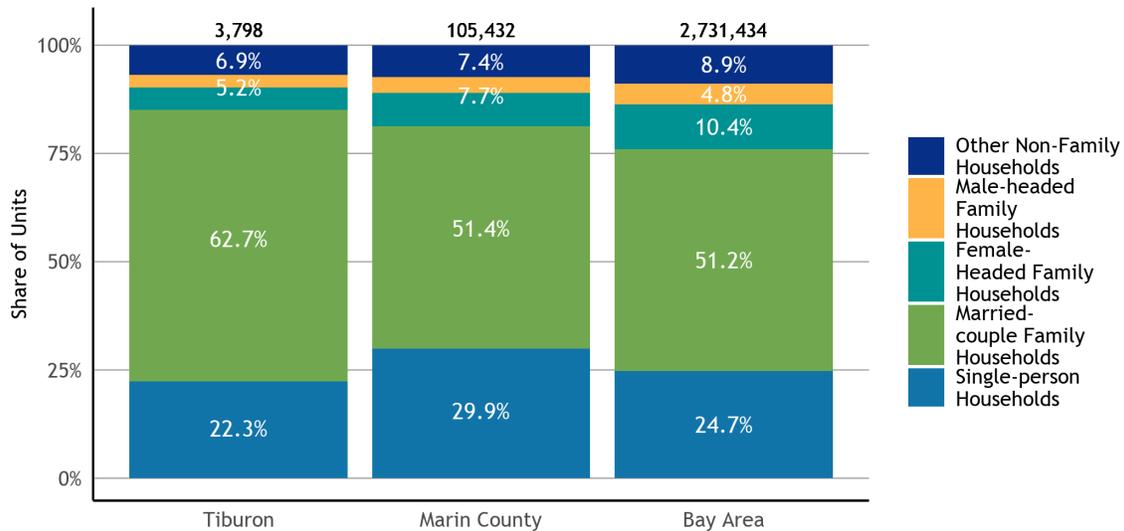
The preceding needs analysis indicates that the number of homes in Tiburon with three or more bedrooms is greater than the number of large families. In addition to providing more rental housing with 3 or more bedrooms, providing more units that enable seniors currently living in Tiburon to downsize can be an effective strategy to rebalance the housing stock. The Town's Inclusionary housing ordinance requires 10% of new units to be designed for special needs households, including affordable units with three or more bedrooms for large families and units for seniors. The Housing Element contains policies and programs to increase the diversity of the housing stock and provide more housing for large households including Program H-l *Redevelopment Funding*; Program H-m *Work with Non-Profits on Housing*; Program H-r *Provisions of Affordable Housing for Special Needs Households*; Program H-ee *Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*; Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites*; and Program H-dd *Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinance*. More broadly, the Housing Element sets fundamental policy that commits the Town to planning for all households of all sizes and types and protecting all households from discrimination based on family status including Program H-a *Improve Community Awareness of Housing Needs, Issues and Programs*, Program H-p *Housing Discrimination Complaints*, and Program H-q *Reasonable Accommodation*.

## 2.0 HOUSING NEEDS ANALYSIS

### FEMALE-HEADED HOUSEHOLDS

Households headed by one person are often at greater risk of housing insecurity, particularly female-headed households, who may be supporting children or a family with only one income. In Tiburon, the largest proportion of households is *Married-couple Family Households* at 62.7% of total, while *Female-Headed Households* make up 5.2% of all households.

**Figure 36: Household Type in Tiburon**



Universe: Households

Notes: For data from the Census Bureau, a “family household” is a household where two or more people are related by birth, marriage, or adoption. “Non-family households” are households of one person living alone, as well as households where none of the people are related to each other.

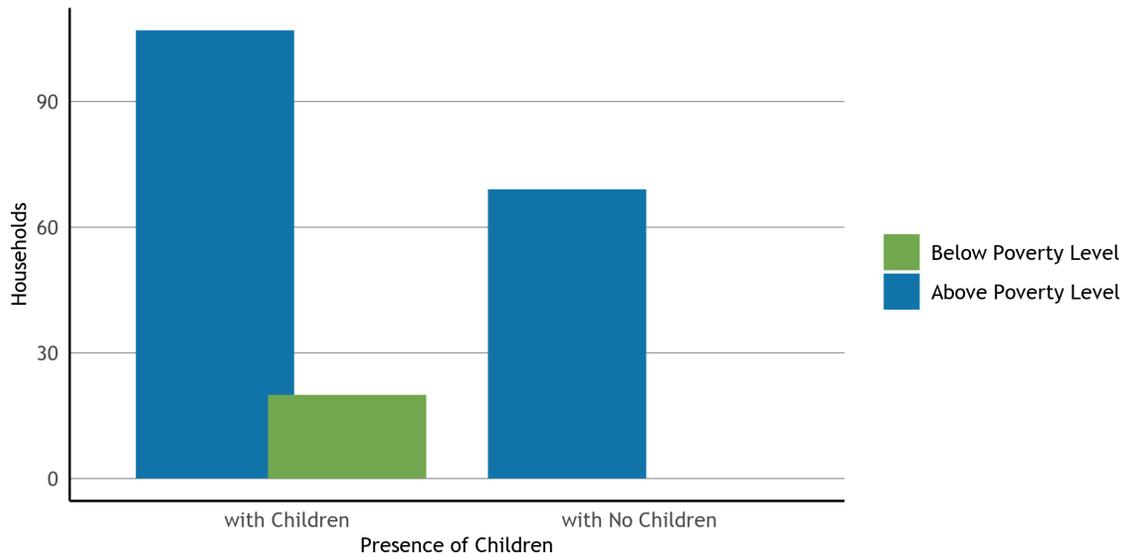
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001

Female-headed households with children may face particular housing challenges, with pervasive gender inequality resulting in lower wages for women. Moreover, the added need for childcare can make finding a home that is affordable more challenging.

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.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 37: Female-Headed Household by Poverty Status in Tiburon**



*Universe: Female Households*

*Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.*

*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012*

### *Strategies and Programs to Meet Projected Needs*

The Town's Inclusionary housing ordinance requires 10% of new units to be designed for special needs households, including Smaller, affordable residential units, especially for lower income single-person and single parent households. This Element includes policies and programs promoting affordable, multifamily housing near schools, services, and transit that would address the needs of many single-parent and female-headed households including Program H-l *Redevelopment Funding*; Program H-m *Work with Non-Profits on Housing*; Program H-r *Provisions of Affordable Housing for Special Needs Households*; Program H-ee *Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*; Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites*; and Program H-dd *Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinance*.

This Housing Element recognizes the potential for discrimination against families with children and include policies and program to protect household base on family status including Program H-a *Improve Community Awareness of Housing Needs, Issues and Programs*, Program H-p *Housing Discrimination Complaints*, and Program H-q *Reasonable Accommodation*.

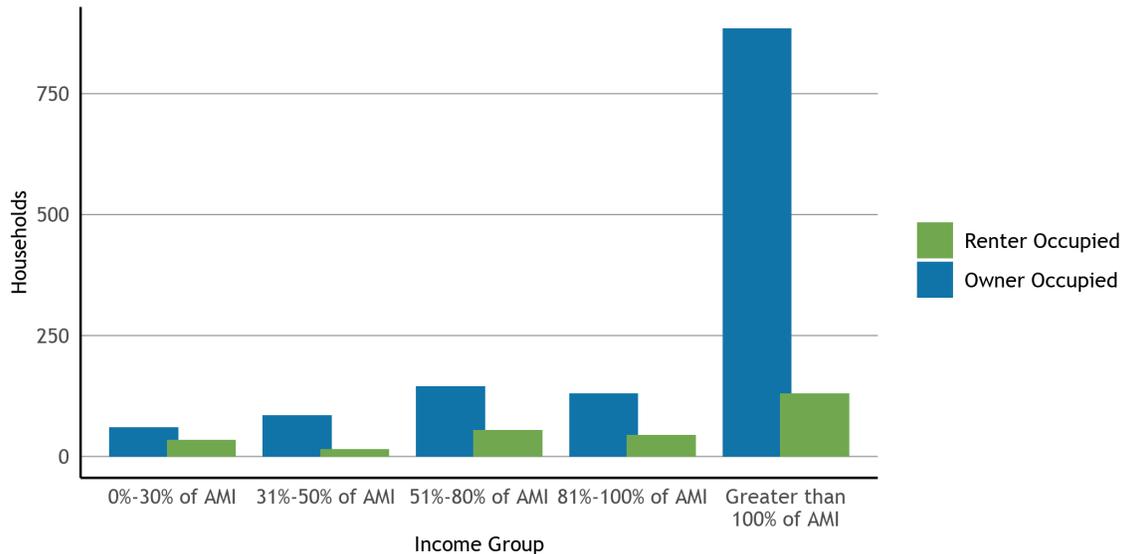
## SENIORS

Senior households often experience a combination of factors that can make accessing or keeping affordable housing a challenge. They often live on fixed incomes and are more likely to have disabilities, chronic health conditions and/or reduced mobility.

## 2.0 HOUSING NEEDS ANALYSIS

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

**Figure 38: Senior Households by Income and Tenure in Tiburon**



*Universe: Senior households*

*Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.*

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

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 is 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.

### *Strategies and Programmatic Responses to Meet Projected Senior Housing Needs*

The Town of Tiburon offers services for senior residents through the Belvedere-Tiburon Joint Recreation Committee, The Ranch, including smart phone and tablet training; exercise, dance, and yoga classes; art, music, and language classes; games; and recreation events. The Division of Aging and Adult Services of the Marin County Department of Health and Human Services supports a variety of programs to senior citizens through a network of local non-profit organizations and governmental agencies in Marin County. Services include assisted transportation; food pantries and home-delivered meals; mental health and counseling services; legal aid and advice; adult protective services; in-home supportive services; and public health nursing programs.

## 2.0 HOUSING NEEDS ANALYSIS

The Town's Inclusionary housing ordinance requires 10% of new units to be designed for special needs households, including affordable senior housing. This Element includes policies and programs that would address the needs of many senior households, including those who are disabled, and increase the diversity of the housing stock. Programs include H-a *Focus Town Resources on Housing Opportunity Sites*; Program H-l *Redevelopment Funding*; Program H-m *Work with Non-Profits on Housing*; Program H-r *Provisions of Affordable Housing for Special Needs Households*; Program H-ee *Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*; Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites*; and Program H-dd *Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinance*. In addition, programs are included to assist low-income, including extremely low income, seniors in upgrading their homes (Program H-u *Rehabilitation Loan Program*), maintaining affordability of rentals (Program H-z *Tenant Protection Strategies*), and remaining in their homes by sharing housing costs with another individual (Program H-g *Provide Home Match Service*).

Accessory dwelling units are important options for some seniors. Program H-gg *Facilitate and Promote Accessory Dwelling Unit Development* is designed to assist seniors in enhancing the affordability of their existing home, either by occupying the new ADU or renting it.

### PEOPLE WITH DISABILITIES

People with disabilities face additional housing challenges. Encompassing a broad group of individuals living with a variety of physical, cognitive, and sensory impairments, many people with disabilities live on fixed incomes and are in need of specialized care, yet often rely on family members for assistance due to the high cost of care.

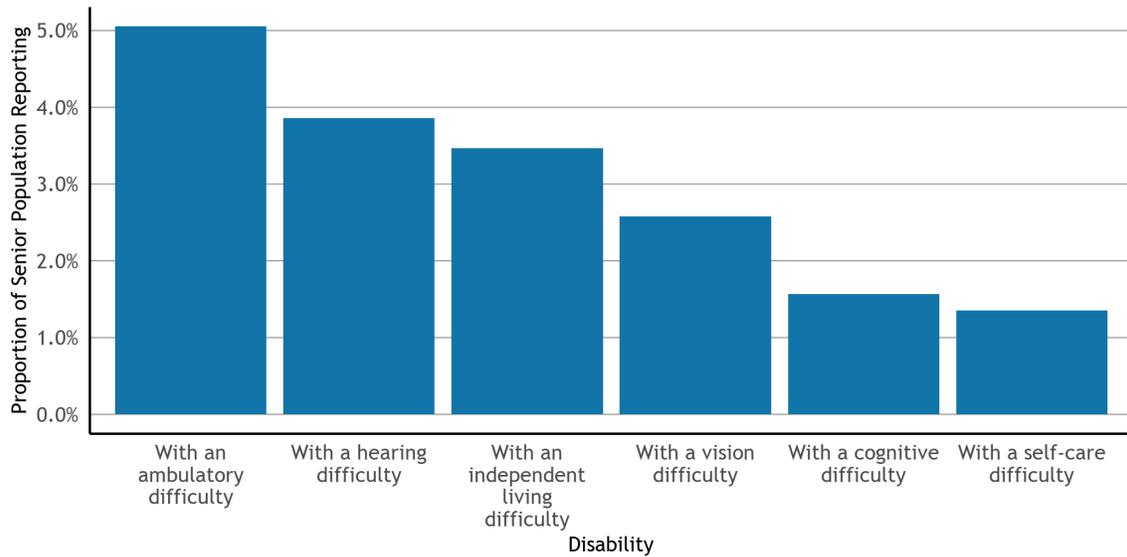
When it comes to housing, people with disabilities are not only in need of affordable housing but accessibly designed housing, which offers greater mobility and opportunity for independence. Unfortunately, the need typically outweighs what is available, particularly in a housing market with such high demand. People with disabilities are at a high risk for housing insecurity, homelessness, and institutionalization, particularly when they lose aging caregivers. Figure 39 shows the rates at which different disabilities are present among residents of Tiburon. Overall, 9.9% of people in Tiburon have a disability of any kind.<sup>24</sup>

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<sup>24</sup> These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 39: Disability by Type in Tiburon**



*Universe: Civilian noninstitutionalized population 18 years and over*

*Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed. The Census Bureau provides the following definitions for these disability types: Hearing difficulty: deaf or has serious difficulty hearing. Vision difficulty: blind or has serious difficulty seeing even with glasses. Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions. Ambulatory difficulty: has serious difficulty walking or climbing stairs. Self-care difficulty: has difficulty dressing or bathing. Independent living difficulty: has difficulty doing errands alone such as visiting a doctor's office or shopping.*

*Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107.*

State law also requires Housing Elements to examine the housing needs of people with developmental disabilities. Developmental disabilities are defined as severe, chronic, and attributed to a mental or physical impairment that begins before a person turns 18 years old. This can include Down's Syndrome, autism, epilepsy, cerebral palsy, and mild to severe mental retardation. Some people with developmental disabilities are unable to work, rely on Supplemental Security Income, and live with family members. In addition to their specific housing needs, they are at increased risk of housing insecurity after an aging parent or family member is no longer able to care for them.

In Tiburon, of the 22 people with a developmental disability, half are children under the age of 18, and half are adults.

The most common living arrangement for individuals with disabilities in Tiburon is the *home of parent /family /guardian*.

## 2.0 HOUSING NEEDS ANALYSIS

**Table 7: Population with Developmental Disabilities in Tiburon**

Residence Type	Number
Home of Parent /Family /Guardian	20
Independent /Supported Living	4
Other	0
Foster /Family Home	0
Intermediate Care Facility	0
Community Care Facility	0

*Universe: Population with developmental disabilities*

*Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were cross walked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.*

*Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type (2020)*

Persons with disabilities face unique problems in obtaining affordable and adequate housing. This segment of the population, which includes individuals with mental, physical, and developmental disabilities, represent a wide range of housing needs. Housing designed to be barrier-free, with accessibility modifications, proximity to services and transit, and group living opportunities are some of the considerations and accommodations that are important in serving this need group. The need for affordable, handicapped-accessible housing will increase as the population ages.

Living arrangements for the disabled vary, depending on the type and severity for their disability, as well as personal preference and lifestyle. Many disabled people live independently at home with the help of family. Assistance may be necessary to maintain independent living, including income support, accessibility improvements to the home, and in-home supportive services.

Housing types that address the needs of the disabled include:

- single-room occupancy units;
- group homes for specific need groups with support services;
- set-asides in larger multifamily affordable projects including senior housing developments.

### *Strategies and Programs to Meet Projected Disabled Persons Needs*

Appropriate housing for persons with mental or physical disabilities include very low-cost units in large group home settings (near retail services and public transit), supervised apartment settings with on- or off-site support services, outpatient/day treatment programs, and inpatient/day treatment programs, crisis shelters and transitional housing.

## 2.0 HOUSING NEEDS ANALYSIS

There are a number of housing types appropriate for people living with a developmental disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving this need group.

Title 24 of the State Uniform Building Code mandates that all new multi-family residential construction projects containing six or more units must conform to specific disabled adaptability/accessibility regulations. The Title 24 mandate and high-density residential zoning address the needs of several categories of disabled persons, especially the needs of people with physical disabilities. The needs of other disabled people, in addition to basic affordability, range from needing slight modifications of existing units to the need for a variety of supportive housing arrangements. Some of the disabled population can only live successfully in housing that provides a semi-sheltered, semi-independent living, such as clustered group housing or other group living quarters. Others are capable of living independently if affordable units are available. Group homes, also known as community care facilities, are allowed by right in all residential districts.

Policies and programs in this Housing Element recognize the special needs of disabled persons including basic civil rights in housing, the need for physical accommodation, and the difficulty many disabled persons have finding housing they can afford. Programs H-a *Improve Community Awareness of Housing Needs, Issues, and Programs* and H-g *Conduct Outreach for Developmentally Disabled Housing Providers* will inform residents of services and resources available to them, while Programs H-o *Housing Discrimination Complaints* and H-p *Reasonable Accommodation* will help to ensure fair housing for disabled persons. In addition, the Town has adopted procedures for people with disabilities to request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures.

As described above, the Town's Inclusionary housing ordinance requires 10% of new units to be designed for special needs households, including affordable units that are built for, or can easily and inexpensively be adapted for, use by people with disabilities. The Element includes policies and programs that would address the needs of many disabled households, including Program H-l *Redevelopment Funding*; Program H-m *Work with Non-Profits on Housing*; Program H-r *Provisions of Affordable Housing for Special Needs Households*; Program H-ee *Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*; Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites*; and Program H-dd *Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinance*.

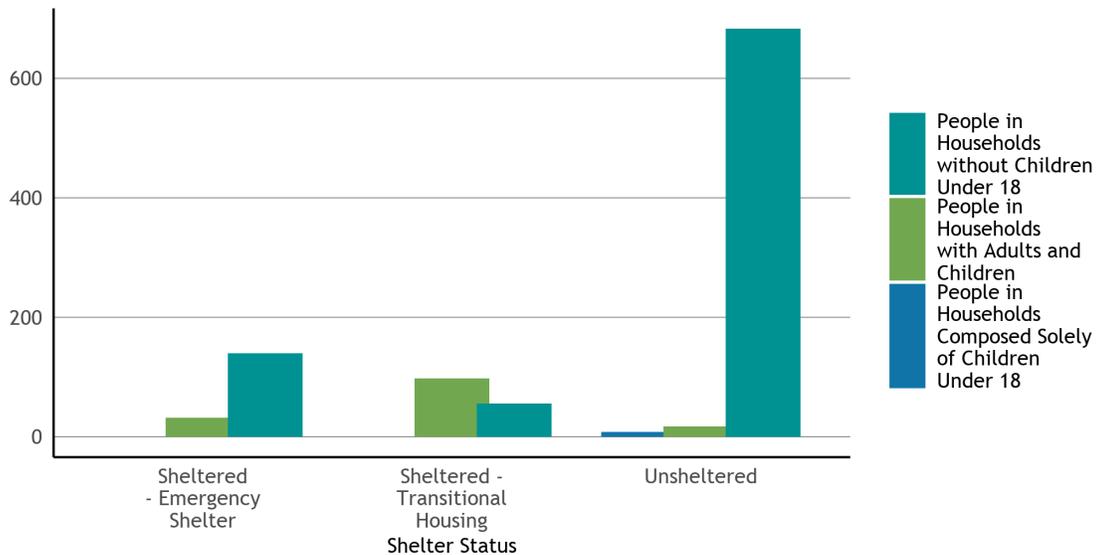
### HOMELESSNESS

Homelessness remains an urgent challenge in many communities across the state, reflecting a range of social, economic, and psychological factors. Rising housing costs result in increased risks of community members experiencing homelessness. Far too many residents who have found themselves housing insecure have ended up unhoused or homeless in recent years, either temporarily or longer term. Addressing the specific housing needs for the unhoused population remains a priority throughout the region, particularly since homelessness is disproportionately experienced by people of color, people with disabilities, those struggling with addiction and those dealing with traumatic life circumstances. In Marin County, the most common type of household experiencing homelessness is those without children in their care. Among households experiencing homelessness that do not have

## 2.0 HOUSING NEEDS ANALYSIS

children, 77.7% are unsheltered. Of homeless households with children, most are sheltered in transitional housing (see Figure 40).

**Figure 40: Homelessness by Household Type and Shelter Status, Marin County**



*Universe: Population experiencing homelessness*

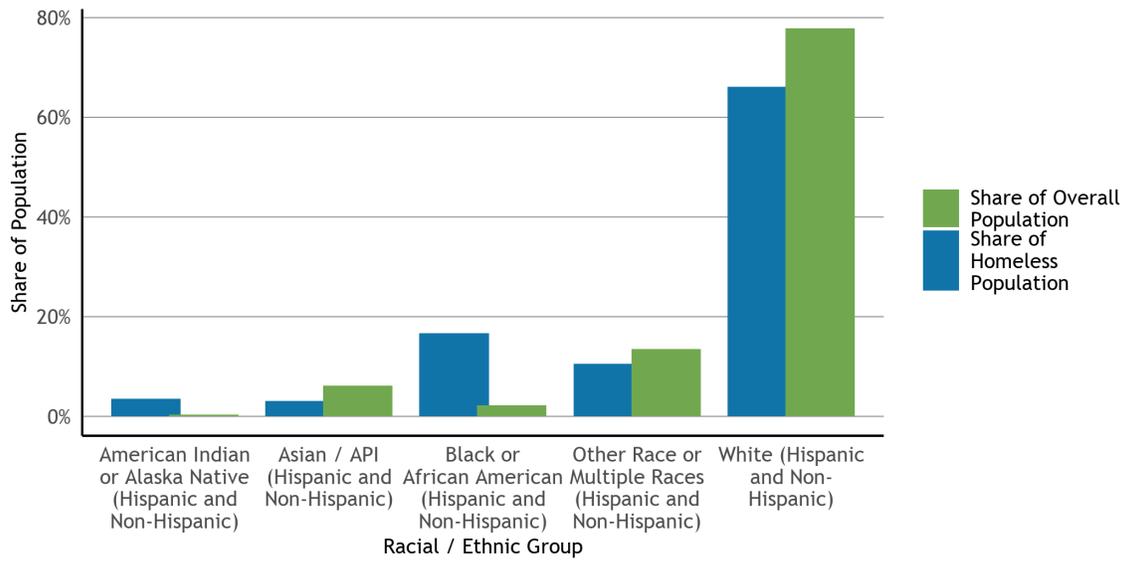
*Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness.*

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)*

People of color are more likely to experience poverty and financial instability as a result of historical federal and local housing policies that excluded them from the same opportunities extended to white residents. Consequently, people of color are often disproportionately impacted by homelessness, particularly Black residents of the Bay Area. In Marin County, White (Hispanic and Non-Hispanic) residents represent the largest proportion of residents experiencing homelessness and account for 66.2% of the homeless population, while making up 77.8% of the overall population (see Figure 41).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 41: Racial Group Share of General and Homeless Populations, Marin County**



*Universe: Population experiencing homelessness*

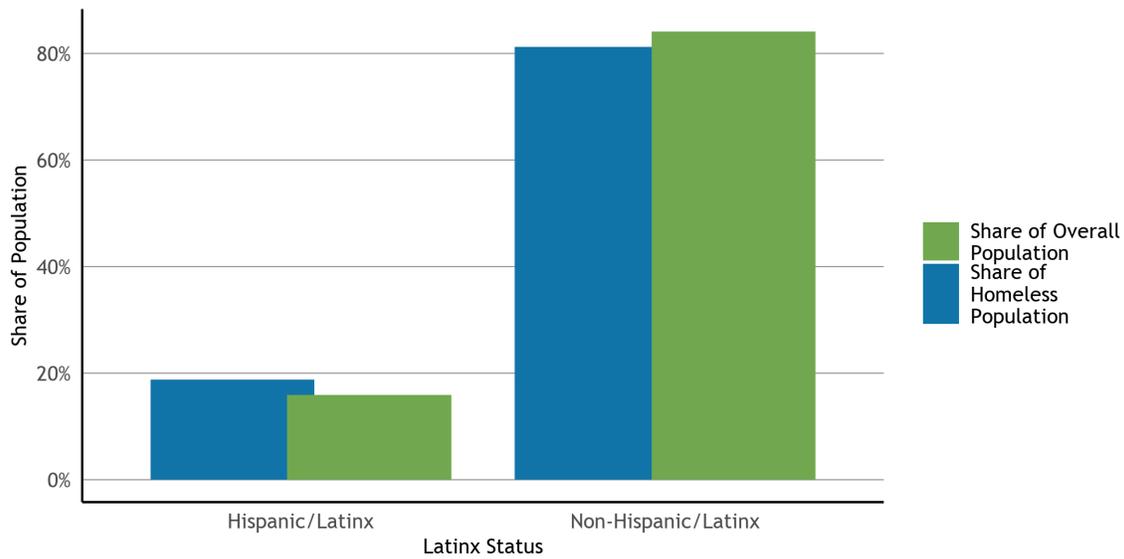
*Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. HUD does not disaggregate racial demographic data by Hispanic/Latinx ethnicity for people experiencing homelessness. Instead, HUD reports data on Hispanic/Latinx ethnicity for people experiencing homelessness in a separate table. Accordingly, the racial group data listed here includes both Hispanic/Latinx and non-Hispanic/Latinx individuals.*

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019); U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I)*

In Marin, Latinx residents represent 18.8% of the population experiencing homelessness, while Latinx residents comprise 15.9% of the general population (see Figure 42).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 42: Latinx Share of General and Homeless Populations, Marin County**



*Universe: Population experiencing homelessness*

*Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. The data from HUD on Hispanic/Latinx ethnicity for individuals experiencing homelessness does not specify racial group identity. Accordingly, individuals in either ethnic group identity category (Hispanic/Latinx or non-Hispanic/Latinx) could be of any racial background.*

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019); U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I)*

Many of those experiencing homelessness are dealing with severe issues – including mental illness, substance abuse and domestic violence – that are potentially life threatening and require additional assistance. In Marin County, homeless individuals are commonly challenged by severe mental illness, with 275 reporting this condition (see Figure 43). Of those, some 64.4% are unsheltered, further adding to the challenge of handling the issue.

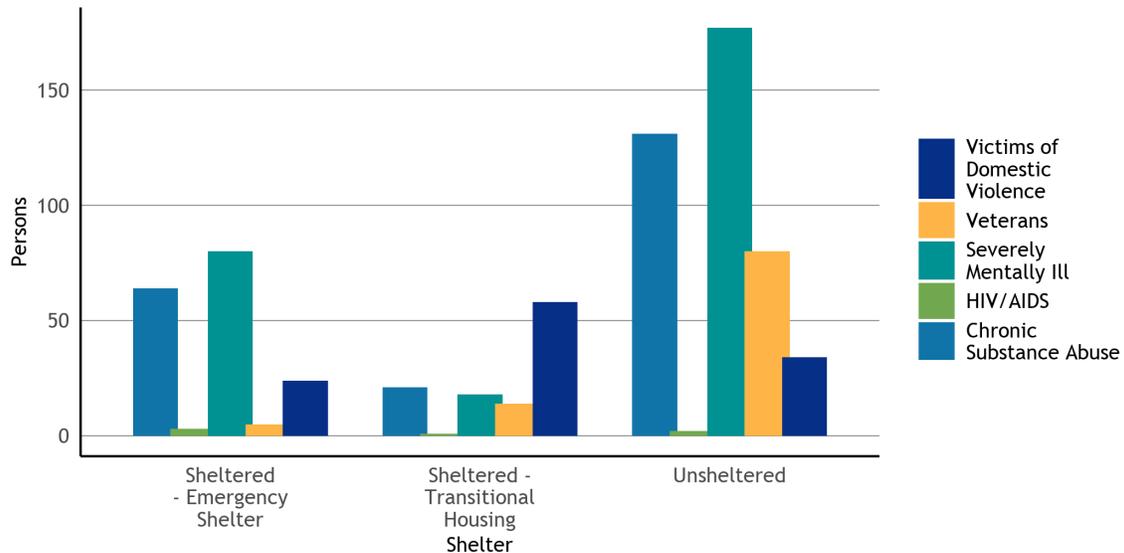
The 2019 Marin Homeless Count and Survey Comprehensive Report counted a total of 1,034 homeless people throughout Marin County on January 28, 2019. Sixty-eight percent, or 703 people, were unsheltered. According to the report, there were no unsheltered or sheltered homeless people in Tiburon on that day.<sup>25</sup>

<sup>25</sup> Applied Survey Research, Marin County Homeless Count & Survey Comprehensive Report 2019, retrieved on December 9, 2021, at [https://www.marinhhs.org/sites/default/files/files/servicepages/2019\\_07/2019hirdreport\\_marincounty\\_final.pdf](https://www.marinhhs.org/sites/default/files/files/servicepages/2019_07/2019hirdreport_marincounty_final.pdf)

## 2.0 HOUSING NEEDS ANALYSIS

As a result of social distancing and public health safety precautions for the COVID-19 pandemic, the County did not conduct a full Point-in-Time unsheltered homeless count and survey in 2021. Instead, the Marin County Continuum of Care conducted a vehicle count to help understand the existing state of homelessness. The count found 486 people living in vehicles in Marin County in 2021, and no homeless people living in vehicles in Tiburon.

**Figure 43: Characteristics for the Population Experiencing Homelessness, Marin County**



*Universe: Population experiencing homelessness*

*Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. These challenges/characteristics are counted separately and are not mutually exclusive, as an individual may report more than one challenge/characteristic. These counts should not be summed.*

*Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)*

In Tiburon, there were no reported students experiencing homelessness in the 2019-20 school year. By comparison, Marin County has seen a 29.9% increase in the population of students experiencing homelessness since the 2016-17 school year, and the Bay Area population of students experiencing homelessness decreased by 8.5%. During the 2019-2020 school year, there were still some 13,718 students experiencing homelessness throughout the region, adding undue burdens on learning and thriving, with the potential for longer term negative effects.

## 2.0 HOUSING NEEDS ANALYSIS

**Table 8: Students in Local Public Schools Experiencing Homelessness**

Academic Year	Tiburon	Marin County	Bay Area
2016-17	0	976	14,990
2017-18	0	837	15,142
2018-19	0	1,126	15,427
2019-20	0	1,268	13,718

*Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools*

*Notes: The California Department of Education considers students to be homeless if they are unsheltered, living in temporary shelters for people experiencing homelessness, living in hotels/motels, or temporarily doubled up and sharing the housing of other persons due to the loss of housing or economic hardship. The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.*

*Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)*

The Tiburon Chief of Police reports that there are no homeless encampments or people living in vehicles on a permanent basis. Occasionally, a transitory homeless person will stay in the Town for a short time and then move to areas where homeless services are available. According to the Police Chief, there are a lack of homeless and mental health services in Marin County which the jurisdictions are working together to address.

### *Strategies and Programs to Meet Projected Needs*

Although there are no reports of people experiencing homelessness in Tiburon, the Town recognizes that homeless populations tend to congregate in communities with services and that homelessness is a countywide problem that must be addressed inter-jurisdictionally. The Town contributes to Marin Countywide Homeless Fund and collaborates with other Marin jurisdictions to develop resources, facilities, and programs to address homelessness. The Town allows emergency shelters as a permitted use in commercial districts and defines define transitional and supportive housing as residential uses and to allow these uses in all zones that allow residential uses, subject to the same restrictions as housing of the same type. This Housing Element includes Policies H-B4 *Countywide Efforts to Address Housing for the Homeless*, H-B5 *Emergency Shelter Facilities Located in Tiburon*, H-B7 *Transitional and Supportive Housing*, and H-B8 *Emergency Housing Assistance*. Program H-s *Emergency Housing Assistance* that renews the Town’s commitment to participate in and allocate funds for Countywide programs providing emergency and transitional shelter and related counseling services. Pursuant to Program H-mm *Supportive Housing* and Program H-nn *Parking for Emergency Shelters*, the Town will revise the Zoning Code to comply with State law.

## 2.0 HOUSING NEEDS ANALYSIS

### FARMWORKERS

Across the state, housing for farmworkers has been recognized as an important and unique concern. Farmworkers generally receive wages that are considerably lower than other jobs and may have temporary housing needs. Finding decent and affordable housing can be challenging, particularly in the current housing market.

In Tiburon, there were no reported students of migrant workers in the 2019-20 school year. The trend for the region for the past few years has been a decline of 2.4% in the number of migrant worker students since the 2016-17 school year.

**Table 9: Migrant Worker Student Population**

Academic Year	Tiburon	Marin County	Bay Area
2016-17	0	0	4,630
2017-18	0	0	4,607
2018-19	0	11	4,075
2019-20	0	0	3,976

*Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools*

*Notes: The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.*

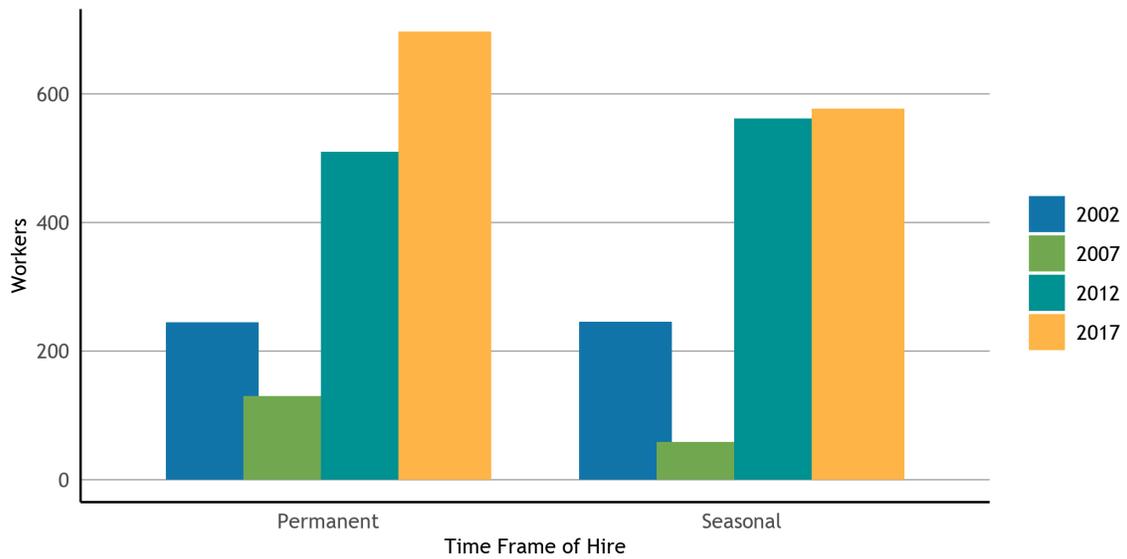
*Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)*

*This table is included in the Data Packet Workbook as Table FARM-01.*

According to the U.S. Department of Agriculture Census of Farmworkers, the number of permanent farmworkers in Marin County has increased since 2002, totaling 697 in 2017, while the number of seasonal farm workers has increased, totaling 577 in 2017 (see Figure 44).

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 44: Farm Operations and Farm Labor, Marin County**



*Universe: Hired farm workers (including direct hires and agricultural service workers who are often hired through labor contractors)*

*Notes: Farm workers are considered seasonal if they work on a farm less than 150 days in a year, while farm workers who work on a farm more than 150 days are considered to be permanent workers for that farm.*

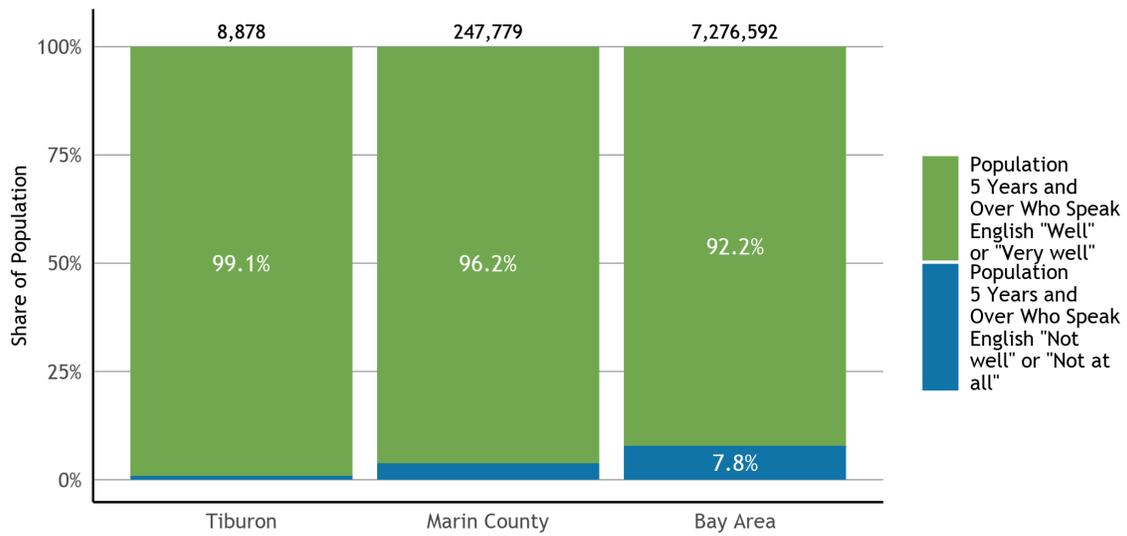
*Source: U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor*

### NON-ENGLISH SPEAKERS

California has long been an immigration gateway to the United States, which means that many languages are spoken throughout the Bay Area. Since learning a new language is universally challenging, it is not uncommon for residents who have immigrated to the United States to have limited English proficiency. This limit can lead to additional disparities if there is a disruption in housing, such as an eviction, because residents might not be aware of their rights or they might be wary to engage due to immigration status concerns. In Tiburon, 0.9% of residents 5 years and older identify as speaking English not well or not at all, which is below the proportion for Marin County. Throughout the region the proportion of residents 5 years and older with limited English proficiency is 8%.

## 2.0 HOUSING NEEDS ANALYSIS

**Figure 45: Population with Limited English Proficiency**



Universe: Population 5 years and over

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B16005

### *Strategies and Programs to Meet Projected Needs*

While less than 1% of Tiburon’s population identify as someone with limited English proficiency, the Town recognizes the need to include all residents in outreach efforts and policy making, including those yet to locate to the Town. Program H-c *Inclusive Outreach* directs the Town to conduct targeted outreach to underrepresented community members, including people who do not speak English as a first language. The Town will provide housing-related materials and surveys in Spanish, provide language translation on the Town’s website, and conduct focus groups with underrepresented community members.

### 3.0 HOUSING SITES

State law requires that jurisdictions provide an adequate number of and properly zoned sites to facilitate the production of their regional share of housing. To determine whether a jurisdiction has sufficient land to accommodate its share of regional housing needs for all income groups, that jurisdiction must identify “adequate sites.” Under state law (*California Government Code §65583*), adequate sites are those with appropriate zoning designations and development regulations – with public facilities and facilities – needed to facilitate and encourage the development of a variety of housing for all income levels. The land resources available for the development of housing in Tiburon are addressed here.

#### 3.1 REGIONAL HOUSING NEEDS ALLOCATION FOR 2022-2030

The California Department of Housing and Community Development (HCD) is required to allocate the region’s share of the statewide housing need to Councils of Government (COGs) based on California Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. The COGs in turn are required to prepare Regional Housing Need Plans allocating the region’s share of the statewide need to cities and counties within the region. The quantification of each jurisdiction’s share of the regional housing need is called the Regional Housing Needs Allocation (RHNA).

The RHNA is a minimum number. Jurisdictions may plan for and accommodate a larger number of dwelling units. Jurisdictions must identify adequate sites at appropriate densities and development standards to accommodate the RHNA allocation. Jurisdictions must also show how they will facilitate and encourage development of these units, but they are not required to build or finance the units.

HCD has allocated 441,176 units to the nine-county Bay Area as the region’s share of the statewide housing need for the period 2022 through 2030. The Association of Bay Area Governments (ABAG), the region’s COG, adopted a RHNA for the 2022-2030 planning period that assigns 14,405 housing units to Marin cities and towns and the county unincorporated area. The Town of Tiburon’s Regional Housing Need Allocation is 639 units (Table 10). The Town estimates the projected need for units affordable to extremely low-income households to be 50% of the very low-income need, or 97 units.

**Table 10: Tiburon’s Regional Housing Need, June 30, 2022, to December 31, 2030**

Income Category	Units
Very Low Income	193
Low Income	110
Moderate Income	93
Above Moderate Income	243
Total	639

## 3.0 HOUSING SITES

### 3.2 SITES INVENTORY

Most of the sites within residential zones in the Town are built out or are not viable for development due to environmental or topographic constraints, and therefore offer very limited new housing opportunities. The Town recognizes that it must provide opportunities for high density residential development outside of traditional residential zones. To achieve this goal and provide the density needed to meet the RHNA within the planning period, most of the multifamily sites are in mixed use zones that allow housing.

The development of the Sites Inventory is based on analysis of the Town's Zoning Ordinance and General Plan Land Use Element, Marin County Assessor's information, the County's geographical information system (MarinMap), field surveys, aerial photographs, and the Planning Department property files. Site analysis also included staff knowledge of existing conditions and underutilized land, development interests expressed by property owners, community input, and market trends.

In addition, the sites were assessed based on the proximity to transit and the Ferry Terminal; access to jobs and high performing schools; access to amenities such as parks and community services; access to schools and grocery stores; and proximity to available infrastructure and utilities.

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 will be rezoned pursuant to Program H-ii to 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. The Reed Union School District owns Site 8. All of the other proposed sites are not publicly owned or leased.

The Sites Inventory includes developed, non-residential properties that can be redeveloped for mixed-use development that includes residential use, as well as the potential for new single-family homes on vacant sites and accessory dwelling units (ADUs). The inventory lists individual sites by address, parcel number, General Plan land use designation, zoning district, parcel size, allowable density, realistic development capacity, and the anticipated units by income category.

Eight of the nine multifamily sites that can accommodate lower-income housing are nonvacant but are expected to be redeveloped during the planning period as described in Section 3.3.

In all cases, infrastructure, including water, sewer, and utilities (electricity, natural gas, telephone, cable, internet, and cellular service) is available at or adjacent to the site.

The Marin Municipal Water District (MMWD) provides water to the Town of Tiburon as well as the incorporated cities and towns of San Rafael, Mill Valley, Fairfax, San Anselmo, Ross, Larkspur, Corte Madera, Belvedere and Sausalito and communities in unincorporated areas of Marin County. MMWD's primary water supply is local surface water obtained from rainfall collected from a watershed with six reservoirs. The District receives a supplemental water supply from the Sonoma County Water Agency. The District's *2020 Urban Water Management Plan (UWMP)* has determined that there is adequate supply to meet demand for a projected service population of 211,961 in 2045, an increase of 20,692 people from the 2020 level. Thus, water supply is sufficient to accommodate population growth in Tiburon associated with the development of 639 new residential units, which is estimated at approximately 1,566 new residents (2.45 persons per household). However, the 2020 UWMP was prepared based upon the Association of Bay Area Government 2017 population projections, and therefore does not account for population projections associated within the 6<sup>th</sup> cycle Housing Element updates for all of the jurisdictions within MMWD's service area. The aggregate RHNA

### 3.0 HOUSING SITES

for these jurisdictions would result in significantly more residential units within MMWD's service area than what was considered in the UWMP. MMWD must update the Urban Water Management Plan every five years to accommodate new and projected population growth, and the District intends to update the plan to reflect the 6<sup>th</sup> cycle RHNA and to ensure sufficient water supplies to support the anticipated increase in residential development. Water distribution lines are located at or nearby all of the parcels listed in the Sites Inventory.

Sewage collection and treatment is provided by several agencies, depending upon the location of the parcel. The Richardson Bay Sanitary District provides wastewater collection facilities and services, and the Sewerage Agency of Southern Marin provides wastewater treatment for properties located in the western area of Tiburon near the town of Corte Madera. Sanitary District No. 2 provides collection services, and the Central Marin Sanitation Agency treats the wastewater for properties located in the northern area of Tiburon. The eastern end of the Tiburon peninsula is served by Sanitary District No. 5, which provides both wastewater collection and treatment. The Paradise Cove Sewer System may need upgrades or treatment requirements may need alternative or expanded service. All other facilities have sufficient capacity to serve the additional planned housing units. Sewer lines are located at or nearby all of the parcels listed in the Sites Inventory. Upgrades to sewage collection facilities, including options such as onsite lift stations, pipe resizing, and rerouting, if needed, will be addressed in coordination with the related agencies as a part of an application for additional development at Site H.

Chapter 727, statutes of 2005, requires water and sewer providers to grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. MMWD and the wastewater agencies are aware of the statute.

Chapter 727 also requires cities and counties to immediately deliver the adopted housing elements of the local general plan and any amendments to water and sewer service providers within a month after adoption. The Town will comply with this requirement.

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 11 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

### 3.0 HOUSING SITES

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. None of the sites are located in a Very High Fire Hazard Severity Zone as determined by CalFire.

As discussed in the General Plan 2040 Environmental Impact Report, special status plant and animal species and sensitive natural communities have been recorded by the California Natural Diversity Database to occur within 15 miles of the General Plan planning area, an area that includes the Town's Sphere of Influence. Development of housing opportunity sites could result in the direct and/or indirect loss or indirect disturbance of special-status plant or animal species or their habitats, as well as adverse impacts on riparian habitat, other sensitive natural communities, and federally protected wetlands.

To further protect and preserve natural habitats and species, sensitive natural communities, and protected wetlands beyond State and federal standards, the General Plan 2040 includes policies and programs that are specifically designed to address potential impacts to biological resources. General Plan program OS-c, Environmental Assessment, requires an environmental assessment for development proposed on sites that may contain sensitive biological resources, including wetlands, occurrences of special-status species and sensitive natural communities, native wildlife nurseries and nesting locations, and native wildlife movement corridors.

#### AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) SITE ANALYSIS

Assembly Bill 686 passed in 2017 requires the inclusion in the Housing Element an analysis of barriers that restrict access to opportunity<sup>26</sup> and a commitment to specific meaningful actions to affirmatively further fair housing<sup>27</sup>. AB 686 mandates that local governments identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected classes<sup>28</sup>.

In addition, it:

- Requires the state, cities, towns, counties, and public housing authorities to administer their programs and activities related to housing and community development in a way that affirmatively furthers fair housing and prohibits them from taking actions materially inconsistent with their AFFH obligation.
- Adds an AFFH analysis to the Housing Element for plans that are due beginning in 2021.

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<sup>26</sup> While Californian's Department of Housing and Community Development (HCD) do not provide a definition of opportunity, opportunity usually related to the access to resources and improve quality of life. HCD and the California Tax Credit Allocation Committee (TCAC) have created Opportunity Maps to visualize place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility.

<sup>27</sup> "Affirmatively furthering fair housing" is defined to mean taking meaningful actions that "overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for communities of color, persons with disabilities, and others protected by California law.

<sup>28</sup> A protected class is a group of people sharing a common trait who are legally protected from being discriminated against on the basis of that trait.

### 3.0 HOUSING SITES

- Includes in the Housing Element's AFFH analysis a summary of fair housing issues and assessment of the Town's fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities; an assessment of contributing factors; and an identification of fair housing goals and actions.

The full AFFH analysis is contained in Appendix D. In summary, the analysis finds:

- The Town should do more outreach on fair housing laws and available services. The Housing Element contains several programs to address this need.
- Tiburon's population is mostly White (81.6%), but the population is becoming more diverse and the Town is becoming less segregated.
- The Town's RHNA strategy does not disproportionately place lower or moderate-income units in lower opportunity areas or in areas with higher concentrations of racial/ethnic minority populations, people with disabilities, single-parent households, low- or moderate-income households, or cost-burdened renters.
- RHNA sites in Tiburon do not exacerbate existing fair housing conditions and ensure future households have adequate access to a variety of opportunities.
- The Town's RHNA strategy ensures that new housing units affordable to all income levels are integrated throughout the Town.

ABAG's regional housing allocation methodology for the 6<sup>th</sup> housing element cycle was specifically designed to direct more housing growth to high resource areas with higher rates of segregation, like Tiburon, in an effort to achieve more balanced and integrated communities across the Bay Area region. As a result, the RHNA allocation is, in itself, a tool to address housing disparities, and Tiburon's exceptionally high RHNA (8 times the previous cycle vs. 2.4 for the regional allocation) is a primary means for providing more housing opportunities for all and achieving a more diverse population. 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: identify new housing opportunity sites outside the Downtown where there is a concentration of sites identified for lower-income housing (Program H-jj); facilitate and promote accessory dwelling units (ADUs) and SB 9 units in existing single-family neighborhoods (Programs H-gg and H-oo); ensure fair housing opportunities are provided and landlords understand their responsibilities under fair housing laws (Programs H-b, H-p, and H-gg); provide rental assistance to make existing apartments more affordable (Program H-w); and provide home match programs to expand affordable housing opportunities (Program H-e). See Table 23 for detailed information on these and other programs.

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

### 3.0 HOUSING SITES

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-jj 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 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.

### 3.0 HOUSING SITES

**Table 11: Sites Inventory**

Site #	Parcel Number	Address	Existing Use	GP Designation Existing/ Proposed	Zoning District Existing/ Proposed	Size (acres)	At Proposed Zoning District						Environmental Constraints
							Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	
1	058-171-91	1525 Tiburon Blvd	Parking lot	NC / MU	NC / MU	0.66	30-35	19	11	8	0	0	Flood Hazard Area, Wildland Urban Interface (WUI)
2	058-171-43	1535 Tiburon Blvd	Chase Bank	NC-AHO / MU	NC-AHO / MU	0.72	30-35	21	13	7	1	0	Flood Hazard Area, WUI
3	058-171-47	1601 Tiburon Blvd	Vacant commercial building (formerly Bank of America)	NC-AHO / MU	NC-AHO / MU	0.57	30-35	17	10	5	2	0	Flood Hazard Area, WUI
4	058-171-86	4 Beach Rd	Parking lot	NC-AHO / MU	NC-AHO / MU	1.07	30-35	32	20	10	2	0	Flood Hazard Area, WUI
5	060-082-57	1550 Tiburon Blvd	Shopping center with grocery store	NC / MU	NC / MU	2.21	30-35	66	41	21	4	0	Flood Hazard Area, WUI
6	059-101-03	1620 Tiburon Blvd	Office/retail buildings	NC / MU	NC / MU	0.27	30-35	26	16	8	2	0	Flood Hazard Area, WUI
	059-101-04	1640/50 Tiburon Blvd		NC / MU	NC / MU	0.6							Flood Hazard Area, WUI
7	059-102-15	6 Beach Rd	Post office, offices, 3-unit apartment building	VC / MU	VC / MU	0.41	30-35	39	24	12	3	0	Flood Hazard Area, WUI
	059-102-16	12 Beach Rd		VC / MU	VC / MU	1							Flood Hazard Area, WUI
8	058-151-41	1199 Tiburon Blvd.	Vacant	VH-AHO/ VH-25	RMP-AHO/ R-4	2.9	20-25	58	36	18	4	0	WUI
9	058-171-70	1100 Mar West St	Office building	O / MU	O / MU	0.47	30-35	40	25	12	3	0	WUI
	058-171-68	1110 Mar West St	Office building	O / MU	O / MU	0.3							WUI
	058-171-69	1120 Mar West St	Office building	O / MU	O / MU	0.59							Flood Hazard Area, WUI
A	058-171-96	1555 Tiburon Blvd	Parking lot	NC-AHO / MU	NC-AHO / MU	0.86	30-35	25			11	14	Flood Hazard Area, WUI
B	058-171-97	1599 Tiburon Blvd	CVS pharmacy	NC-AHO / MU	NC-AHO / MU	1.66	30-35	49			23	26	Flood Hazard Area, WUI
C	059-101-01	1600 Tiburon Blvd	Construction staging area	NC-AHO / MU	NC-AHO / MU	0.39	30-35	11			5	6	Flood Hazard Area, WUI
D	059-101-02	1610 Tiburon Blvd	Office building	NC / MU	NC / MU	0.13	30-35	3			1	2	Flood Hazard Area, WUI

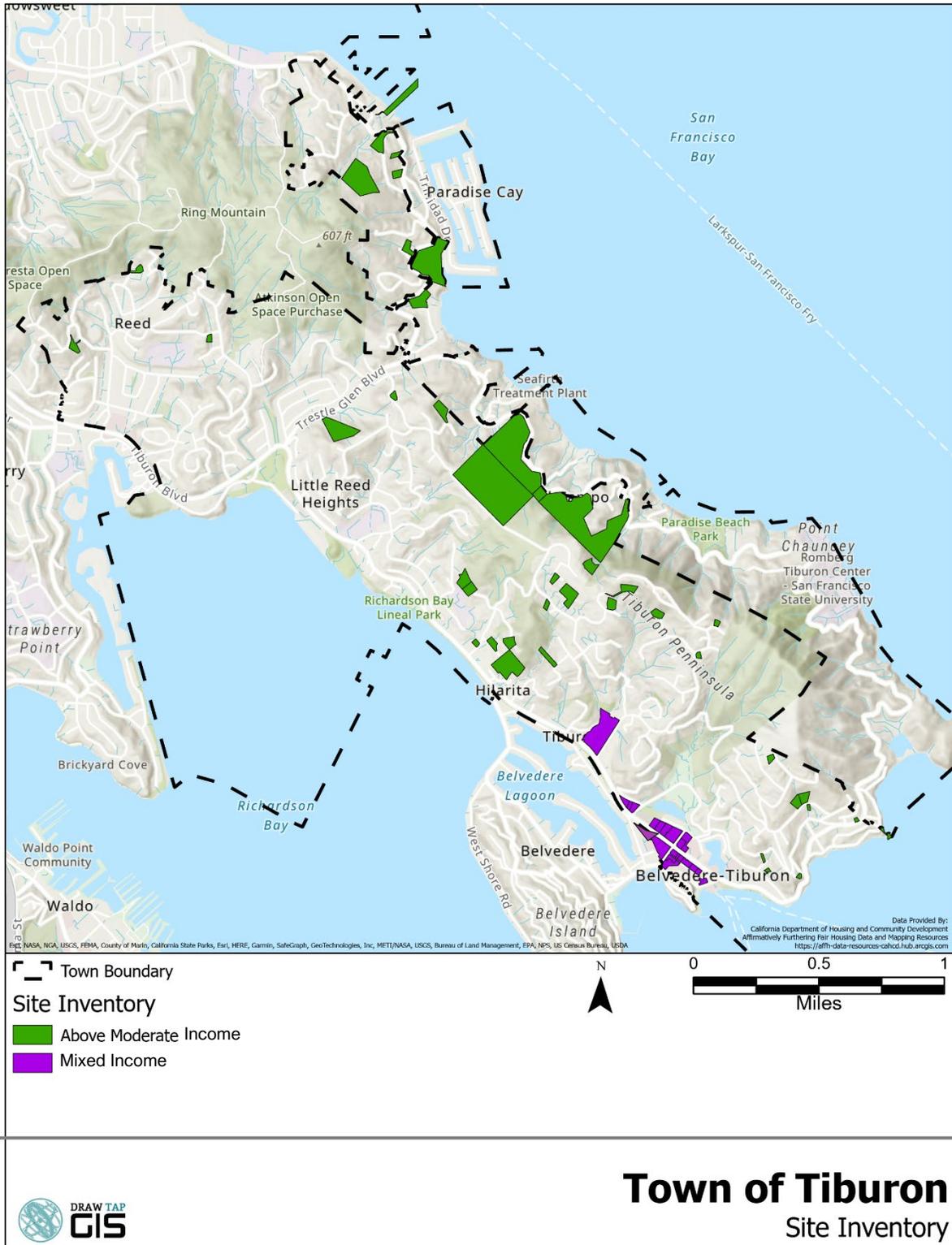
### 3.0 HOUSING SITES

Site #	Parcel Number	Address	Existing Use	GP Designation Existing/ Proposed	Zoning District Existing/ Proposed	Size (acres)	At Proposed Zoning District						Environmental Constraints
							Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	
E	059-101-15	1660 Tiburon Blvd	Office building	NC / MU	NC / MU	0.43	30-35	12			5	7	Flood Hazard Area, WUI
F	059-101-14	1680 Tiburon Blvd	Commercial building	NC / MU	NC / MU	0.29	30-35	8			4	4	Flood Hazard Area, WUI
G	059-102-27	26 Main St./ 2 Juanita Ln	Shops and movie theater	VC / MS	VC / MS	0.43	20-25	8			4	4	Flood Hazard Area, WUI
H	038-142-02	4576 Paradise Dr	2 single-family homes	PDR/VH	RPD/R-3-10	9.58	10-12.4	93				93	Flood Hazard Area, WUI
ADUs	Various	Various	Single-family homes	Various	Various	Various	Various	72	21	21	21	9	WUI
SF <sup>1</sup>	Various	Various	Vacant	Various	Various	Various	Various	93	0	0	0	93	WUI
TOTAL								692	217	122	95	258	
RHNA								639	193	110	93	243	

<sup>1</sup> See Appendix C for parcel-specific list of vacant Single and Two-Family parcels and housing capacity.

### 3.0 HOUSING SITES

Figure 46: Sites Map



## 3.0 HOUSING SITES

### 3.3 DENSITY ASSUMPTIONS AND DEVELOPMENT TRENDS

The allowable density ranges for Sites 1-9 and A-G identify minimum and maximum densities. Development projects on Site 1-9 are required to achieve minimum residential densities. The realistic development capacities identified in Table 11 are calculated based on minimum densities.

Market demand in Tiburon and Marin County is overwhelmingly for residential development. Commercial and retail space continues to contract due to the shift to remote work and online shopping. Office vacancy rates in Southern Marin County were 18.9% in the first quarter of 2022, while annual retail and food service taxable transactions in Tiburon have been declining since 2015.<sup>29</sup>

There are many examples of projects responding to market demand for housing over commercial space in Tiburon and Marin County. A few examples follow.

- In Tiburon, an existing one-story, 2,776 square foot commercial building at 1694-1696 Tiburon Boulevard constructed in the 1930s was redeveloped with a 3-story, 5,255 square foot mixed-use building containing ground-floor commercial use and two residential units. The project was approved in 2015 with a FAR of 1.43, exceeding the permitted maximum FAR.
- In Corte Madera, a new land use designation, Mixed-Use – Gateway Area was created in the 2009 General Plan Update for a 4.5-acre property which at the time was occupied by a factory that produced disposable polystyrene foodware products. The new designation was intended to encourage higher-density residential development in conjunction with local-serving commercial use and allowed a non-residential floor area ratio of up to 0.34. Allowable residential density for the site was increased from 15.1-25.0 units per acre to 25.1-40 units per acre. In 2011, the site was rezoned to allow up to 10,000 square feet of commercial space. In response to softening commercial real estate demand, the project was approved with only 3,000 square feet of commercial space, which represents a non-residential floor area of 0.02. The project was completed in September 2017 and was fully occupied in January 2019.
- In Novato, the Atherton Ranch Master Plan, approved in 2000, originally permitted the construction of a mixed-use development featuring 93 single-family residences, 23 townhomes, 40 senior affordable apartments, and two office/retail buildings totaling 70,550 square feet of floor area. All of the residential components were constructed. The office/retail buildings were not constructed due to lack of demand for new office and retail space. In 2015, the developer applied for a master plan amendment to allow 59 residential condominiums and 6,000 square feet of street-oriented retail space. As commercial market conditions continued to deteriorate, the developer revised their application to reduce the retail space to 1,340 square feet, which was approved by the City in 2017. The new residential units are currently being sold, but the retail space remains vacant.
- In San Rafael, the Northgate Mall Redevelopment project proposes a comprehensive redevelopment of the existing mall into an open-air “main street experience” surrounded by mixed-use development of retail and up to 1,441 residences. The project proposes to reduce the existing commercial retail from 775,677 sq. ft. to 225,100 square feet and construct high-

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<sup>29</sup> California Department of Tax and Fee Administration, Taxable Sales by City, <https://www.cdtfa.ca.gov/dataportal/charts.htm?url=TaxSalesCRCityCounty>, accessed 5/26/22.

### 3.0 HOUSING SITES

density multifamily residential buildings in the form of townhome units and five-seven story apartment buildings. The proposed project includes 138 affordable units.

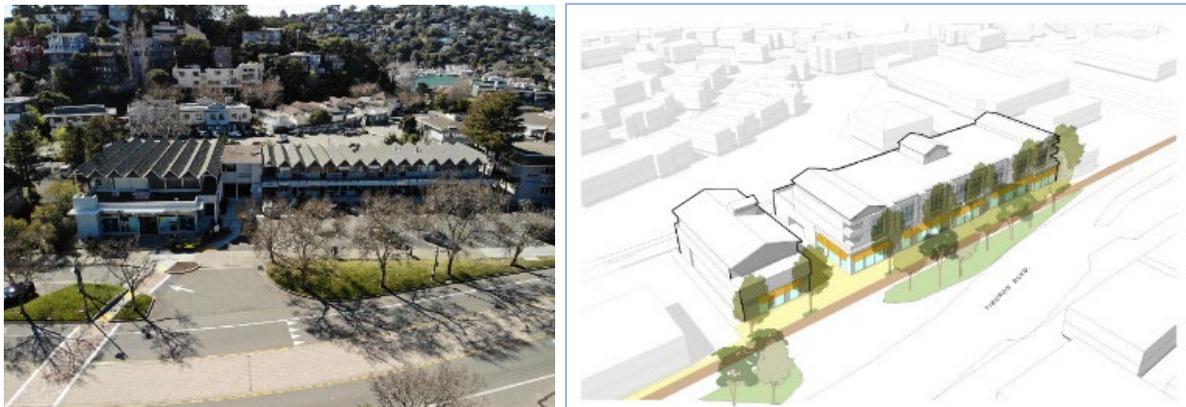
As a result of existing market demand for residential units and a corresponding decline in demand for commercial, office, and retail space, the Town believes all mixed-use sites will be developed at or near maximum residential density with the same or less commercial space as currently exists. The Mixed Use zone (MU) allows 100% residential use except at corner Sites B and C where a small amount of first floor commercial space is required.

The Town completed conceptual modeling on representative sites to determine unit capacities given site-specific development standards (including setbacks, building heights, and FAR maximums), parking requirements, and topographical and environmental constraints. The models assume unit sizes ranging from 900 to 1,200 square feet to represent a variety of unit types. Figures 47 -50 show existing conditions and conceptual models for four representative sites. The modeling demonstrates that the unit capacities identified in Table 11 can easily be accommodated on the sites given the Town’s development standards, parking requirements, and Flood Hazard Area mitigation policies, and assuming ground-floor commercial on mixed-use sites and no underground parking in any Flood Hazard Area.

**Figure 47: Existing Condition and Conceptual Model for Tiburon Blvd. East Corner Site**



**Figure 48: Existing Condition and Conceptual Model for Tiburon Blvd. East Mid-Block Site**



### 3.0 HOUSING SITES

**Figure 49: Existing Condition and Conceptual Model for Tiburon Blvd. West Mid-Block Site**



**Figure 50: Existing Condition and Conceptual Model for Site 8**



#### 3.4 SITE AND CAPACITY ANALYSIS

Sites 1-9 are projected to accommodate a majority of the Town’s lower income need as identified in Table 11. Existing conditions, residential density, unit capacity, and development potential of these sites are described below. The sites allow at least 20 units per acre, the “default density” for a suburban jurisdiction like Tiburon and are at least 1/2 acre. Most sites have an allowable maximum density of 35 du/ac. These conditions enable the economies of scale needed to produce affordable housing.

Sites C-G are not projected to accommodate a portion of the lower-income because they are smaller than ½ acre. Sites A and B are larger than ½ acre, but the current property owner has not expressed an interest in redeveloping the site for housing at this time. Nonetheless, the Town believes there is a high likelihood that Sites A and B will change ownership within the planning period and will be redeveloped with housing.

## 3.0 HOUSING SITES

### SITE 1

Site 1 is located at 1525 Tiburon Boulevard and is identified in Table 11 and Figure 46. The parcel is 0.66 acre and is currently used as a parking lot. The Town met with the property owner in February 2022 who stated that construction costs were too high to justify development of the site given the existing maximum allowable residential density of 20.7 units per acre under the affordable housing overlay. The owner also stated that there was insufficient demand for commercial space to require commercial use on the site. The Town will rezone the site for 30-35 du/ac pursuant to Program H-ii and make commercial use optional on mid-block sites such as Site 1. The property owner has expressed interest in redeveloping the site with multifamily housing during the planning period at the new density. There are no existing leases that would perpetuate the existing use and prevent redevelopment.

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 approximately one block away and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest, aging structure, and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 19 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

### SITE 2

Site 2 is located at 1535 Tiburon Boulevard and is identified in Table 10 and Figure 46. The site is 0.72 acres and contains a 7,866 square foot structure built c. 1970s. The site contains a Chase Bank which was closed during the pandemic and has recently reopened. The Town will rezone to increase the maximum residential density from 20.7 du/ac to 30-35 du/ac pursuant to Program H-ii. Commercial use will be optional on mid-block sites such as Site 2. As the site is owned by JP Morgan Chase, there are no leases that could impede redevelopment of the site. The structure is aging and functionally obsolete (the building is significantly larger than the space requirements of modern-day branch locations), and the site is highly underutilized given the redevelopment potential.

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 approximately one block away and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

### 3.0 HOUSING SITES

The aging structure and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 21 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### SITE 3

Site 3 is located at 1601 Tiburon Boulevard and is identified in Table 11 and Figure 46. The parcel is 0.57 acres. The site contains a 6,487 square foot building built in 1973, which was previously occupied by Bank of America but has been closed for several years. The Town met with the property owners in February 2022. The property owners stated that they had purchased the property in 2019 with the intent to redevelop the site with housing. They had explored development options but were finding that the maximum allowable density of 20.7 du/ac under the affordable housing overlay was not enough to justify the cost of the project. They were open to including a small amount of commercial space in the project, which the Town desires in order to create an active, pedestrian friendly downtown. The Town will rezone the site for 30-35 du/ac pursuant to Program H-ii with no ground floor commercial use required. The property owner has expressed interest in redeveloping the site with multifamily housing during the planning period at the new density. There are no existing leases or other contracts that would perpetuate the existing use and prevent redevelopment.

The site is located on a transit route and has several services close by. A grocery store is located across the street and the public library is ¼ mile away. 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 a stop at the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest, vacant and aging building on the site, and underutilized nature of the parcel makes this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 17 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

### 3.0 HOUSING SITES

#### SITE 4

Site 4 is located at 4 Beach Road and is identified in Table 11 and Figure 46. The 1.07-acre site is currently used as a parking lot. The Town met with the property owner in February 2022 who stated that construction costs were too high to justify development of the site given the existing maximum allowable residential density of 20.7 units per acre under the affordable housing overlay. The owner also stated that there was insufficient demand for commercial space to require commercial use on the site. The Town will rezone the site for 30-35 du/ac pursuant to Program H-ii and make commercial use optional on mid-block sites such as Site 4. The property owner has expressed interest in redeveloping the site with multifamily housing during the planning period at the new density. There are no existing leases or other contracts that would perpetuate the existing use and prevent redevelopment.

The site is located on a transit route and has several services close by. A grocery store is located across the street and the public library is ¼ mile away. 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 a stop less than one block away and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 32 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### SITE 5

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 will rezone the site to allow mixed use with a residential density of 30-35 du/ac pursuant to Program H-ii. 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.

### 3.0 HOUSING SITES

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%.<sup>30</sup> 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 site is located on a transit route and has several services close by. A grocery store is located on the parcel and the public library is ¼ mile away. 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 a stop at the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest, aging structure, and underutilized nature of the parcel make this site suitable for development during the planning period. The site is partially located in the City of Belvedere, although the lot size used to calculate the unit capacity for Tiburon is based solely on the parcel located within the Town of Tiburon (the portion of the site located in Belvedere is a separate parcel, APN 060-082-60). Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 66 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner, the City of Belvedere, and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### SITE 6

Site 6 is located at 1620 and 1640/50 Tiburon Boulevard and is identified in Table 11 and Figure 46. The site is comprised of two parcels totaling 0.87 acres which are under the same ownership. The site contains an 8,672 square foot office/retail building built in 1979 and a 14,396 square foot office building built in 1959 with several vacant office spaces. 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 Town will rezone the site to allow mixed use with residential density of 30-35 du/ac pursuant to Program H-ii. Commercial use will be optional on mid-block sites such as Site 6.

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<sup>30</sup> Newmark, Marin County Market Reports, 3Q2022.

### 3.0 HOUSING SITES

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 site is located on a transit route and has several services close by. A grocery store is one block away, and the public library, parks, and Ferry Terminal is ¼ mile away, as well as other retail and commercial facilities. Recreational facilities and an elementary school are approximately ½ mile walking distance away. Marin Transit provides local bus service with a stop one block away and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest, aging buildings, and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 26 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval (including lot consolidation, which is a ministerial process), provide assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### SITE 7

Site 7 is located at 6 and 12 Beach Road and is identified in Table 11 and Figure 46. The site comprises two parcels, under the same ownership, totaling 1.41 acres. The site contains buildings constructed in 1960 and 1968 which are currently occupied by a post office and offices, and a 3-unit apartment building at the southern end of the site. 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 will rezone the site to allow mixed use with a residential density of 30-35 du/ac. Commercial use will be optional on mid-block sites such as Site 7. Although the post office lease runs to 2032, the property owner and the Town will work with the post office to rebuild the post office to better meet the evolving needs of the mail and package delivery industry and to locate the post office at the same location, at another site owned by the property owner (such as Site 5), or at another location in Tiburon. The property owner has stated that rezoning the parcels is a critical first step to advancing discussions and development plans with all lessees.

The site is located on a transit route and has several services close by. A grocery store is located across the street and the public library, parks, and Ferry Terminal is ¼ mile away, as well as other retail and commercial facilities. Recreational facilities and an elementary school are approximately ½ mile away.

### 3.0 HOUSING SITES

Marin Transit provides local bus service with at the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The expressed owner interest, aging buildings, and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 39 units at various affordability levels. The existing 3 units have been subtracted from the calculated unit capacity.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval (including lot consolidation, which is a ministerial process), provide assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### SITE 8

Site 8 is located at 1199 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. The site is a 2.9-acre vacant portion of a 7.5 acre parcel that is owned by the Reed Union School District. An elementary school is located on the developed portion of the site. The site would ideally be developed with affordable housing for teachers, school staff, and public safety personnel. Due to the site's topography, clustered multifamily buildings, such as those shown in Figure 50, would be best suited for the site. The Town met with school staff in January 2022 who stated that the school was embarking on a year-long Master Facilities Plan and would consider housing for the site. In January 2023, the Facilities Master Plan consultant presented findings to the School Board which indicated she would be returning to the Board for a discussion of options for the site. In April 2023, the Facilities Master Plan consultant confirmed that the Plan was still being drafted and stated that the Plan would include a recommendation to further assess housing development at the site. The site is currently included in an affordable housing overlay zone that permits up to 24.8 units per acre. The site will be rezoned to require a minimum of 20 du/ac and a maximum of 25 du/ac pursuant to Program H-ii.

The site is located on a transit route and has several services close by. As discussed above, the elementary school is on the site, as is a bus stop. A grocery store, public library, recreational facilities, and parks are ½ mile away, as well as other retail and commercial facilities. The Ferry Terminal is 0.9 miles away.

The expressed owner interest and underutilized nature of the parcel make this site suitable for development during the planning period. Based on a minimum density of 20 du/ac, the site is projected to yield a minimum of 58 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval and assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

### 3.0 HOUSING SITES

If the school district chooses not to move forward with housing development 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-jj.

#### SITE 9

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 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-ii. Commercial use is optional on Site 9.

The site is located on a transit route and has several services close by. A bus stop is located at the site, and the Ferry Terminal is 0.6 miles away. The elementary school is approximately ¼ mile away, and a grocery store, public library, recreational facilities, and parks are within ½ mile walking distance.

The expressed owner interest and underutilized nature of the parcel make 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 40 units at various affordability levels.

To encourage and facilitate affordable housing on the site, the Town will facilitate a meeting among the property owner and affordable housing developers, provide expedited permit review and approval (including lot consolidation, which is a ministerial process), provide assistance in obtaining grants, reduce fees for affordable housing units, apply State density bonuses and incentives as applicable, and make available the use of former RDA set-aside funds and/or housing in-lieu funds. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* details the clear and actionable steps, time frame, and responsibility for these actions.

#### 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-ii.

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.

### 3.0 HOUSING SITES

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-ii.

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. The site is currently used as a construction staging area and is expected to be vacant and available for development in June 2023. A planning approval and temporary use permit to build a restaurant on the site was issued in 2021 and has since expired. 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-ii.

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-ii.

### 3.0 HOUSING SITES

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-ii.

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-ii.

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

### 3.0 HOUSING SITES

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. Tiburon Municipal Code section 16-23.060 establishes the review process and development standards for buildings on the local inventory or historic resources. Modifications to an existing building require approval by the Community Development Director of a site plan and Design Review. The design of any construction, additions, or replacement of a building listed on the local inventory must be in harmony with the general architectural, craftsmanship and historical characteristics of the building as outlined in the inventory and must reflect the guiding themes of consistency, compatibility, and authenticity set forth in the Downtown Tiburon Design Handbook. This includes windows, doors, trim, roof types, exterior building materials, and colors.

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-ii.

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.

While the parcel has an average slope of 29% according to MarinMap<sup>31</sup>, the center of the parcel where development is more likely to occur has a slope of approximately 15%. Similar to other developed sites in the area, the parcel has highly expansive soils and potential for landslide. To mitigate these hazards, the Town requires new development to prepare a geotechnical analysis and to conform to the California Building Code and the Town's Landslide Mitigation Policy.

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<sup>31</sup> [MarinMap Map Viewer, www.marinmap.org](http://www.marinmap.org), accessed 7/17/23.

### 3.0 HOUSING SITES

There are two ephemeral streams on the property. Permits may be required from the Department of Fish and Game if the ephemeral streams are disturbed. However, the ephemeral streams do not significantly reduce the site's development potential.

There are no wetlands on the property as defined by the US Fish and Wildlife Service, which is the same definition used by the Town of Tiburon. Approximately 600 square feet of the site's eastern edge is in a Special Flood Hazard Area. If special status species or sensitive natural communities are present on the site, they will be addressed as described on page 70.

Figure X: Site H



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 single-family and multifamily residential use with a minimum density up to 10 du/ac pursuant to Program H-II.

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.

#### PROGRAMS AND POLICIES TO SUPPORT NONVACANT SITES

As discussed above, there is only one vacant site available to accommodate lower-income housing. The Town therefore mostly relies on underutilized properties to accommodate its lower income RHNA.

The nonvacant sites were selected based on the expressed interest of the property owners, analysis of zoning that supports high density affordable housing, market trends, age of the structures on site, and underutilized sites analysis.

Housing Element programs and policies demonstrate the Town's commitment to facilitating redevelopment and have established actions and timeframes that support and encourage the likelihood of residential development of nonvacant sites within the planning period. These added incentives include minimum target densities of 20 to 30 du/ac, flexible development standards, lot consolidation, permit streamlining for projects that include affordable units, funding and fee waivers for affordable units, and affordable housing partnerships and outreach as identified in Programs H-k, H-l, H-m, H-cc and H-ee. See Section 5.1 for a detailed list of policy and programs actions and timeframes.

Based on the expressed interest of the property owners, the age of the existing structures, the proposed rezoning to significantly higher residential densities pursuant to Program H-ii, and the new programs and policies that incentivize lot consolidation and affordable housing, the use of nonvacant

### 3.0 HOUSING SITES

lots will support the development of residential housing units to meet the RHNA during the planning period. None of the sites require rezoning to accommodate the proposed units.

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 1-7 and 9.

### 3.5 ACCESSORY DWELLING UNITS

Accessory Dwelling Units ((ADUs) are an increasingly popular housing type. ADUs are independent homes on a residential property that can either be part of or attached to the primary dwelling or free standing. They offer infill development consistent with surrounding built form, a potential supplemental income source for homeowners, and in some cases affordable housing.

An ADU, also known as an in-law unit or second unit, is an additional residential dwelling unit on a single-family or multi-family residentially zoned property. An ADU can be an attached or detached dwelling unit, providing independent living facilities for one or more persons that has a full, separate kitchen (including stove, refrigerator, and sink), separate bathroom, and separate entrance.

A Junior Accessory Dwelling Unit (JADU) is an additional, independent living unit generally created through the conversion of an existing bedroom in a single-family residentially zoned residence and has a separate entrance. A JADU does not need to have all the same features as an ADU, such as a separate bathroom.

Since 2017, the State legislature has passed a series of new laws that significantly increase the potential for development of new ADUs and JADUs by removing development barriers and allowing ADUs through ministerial permits. State law requires jurisdictions to allow residential properties to have at least one ADU per lot, plus one JADU.

The Town most recently revised its ADU ordinance in 2022 to comply with new State laws. ADUs are permitted on all lots zoned to allow single-family or multifamily residential use. Development standards are consistent with State law and are summarized in Table 12.

**Table 12: ADU Standards**

ADU STANDARDS	
<b>Min/Max ADU size</b>	Attached ADUs: Maximum floor space is 850 square feet. For lots over 10,000 square feet, maximum floor space is 1,000 square feet.  Detached ADUs: 850 square feet for one bedroom or less and 1,000 square feet for lots greater than 10,000 square feet or ADUs with more than one bedroom.  JADUs: Maximum 500 square feet
<b>Lot size</b>	None

### 3.0 HOUSING SITES

<b>Lot coverage</b>	An ADU may exceed standards for lot coverage, but the ADU is limited to a maximum size of 800 square feet.
<b>ADU building height</b>	Up to 16 feet for one story and up to 30 feet for two stories. The ADU may not be taller than the primary residence at the area of attachment.
<b>Setbacks</b>	None for conversions of existing living area or structure. 4-foot side and rear setbacks for new construction.
<b>Parking requirements</b>	One off-street parking space per ADU unless 1) within ½ mile walking distance of public transit, 2) located within a historic district, 3) located within one block of a car share vehicle, 4) located within an existing structure, or 4) when on-street parking permits are required but not offered to the occupant.
<b>Deed or income restrictions</b>	None
<b>Number of ADUs</b>	One detached ADU and one JADU allowed on each single-family property. Also allowed on multifamily properties under state law.
<b>Owner occupancy</b>	Not required for ADU or primary residence. Required for JADU.
<b>Other requirements</b>	<ul style="list-style-type: none"> <li>• Exterior Lighting: two shielded downward point lights at the entrance to the ADU are allowed.</li> <li>• Fire Sprinklers: needed if required for primary residence.</li> <li>• Objective architectural standards: Color and materials much match the primary unit.</li> <li>• Windows: no window facing the rear and side property lines are allowed when located less than 6 feet of the rear or side property line.</li> <li>• Rental restriction: an ADU and JADU shall not be rented for less than 30 consecutive days.</li> </ul>
<b>Process</b>	ADUs and JADUs are approved ministerially by the Director of Community Development.
<b>Fee</b>	\$595

The Town has 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](http://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.

As a result of the new ADU development standards and permitting process, the Town has experienced a marked increase in ADU and JADU development. The Town approved 4 units in 2018, 5 units in 2019, 5 units in 2020, and 11 units in 2021. Of these 25 units, 22 have either been constructed or are under construction, for an average of 6 units per year. Based on this annual average, the trend is ADU approvals and construction, and the expanded outreach, education and promotion of ADUs described below, the Town expects to increase ADU development to an average of 9 units per year and develop 72 ADUs during the 8-year planning period as shown in the Sites Inventory in Table 11. The Town is currently on track to approve at least 9 units in 2022.

In general, ADUs are affordable for several reasons:

### 3.0 HOUSING SITES

- Many units are available for no or low-cost rent to family members or friends.
- ADUs tend to be fewer square feet than units in apartment buildings after controlling for bedroom size, which results in lower prices.
- Some owners intentionally rent their ADUs below market because they believe affordable housing is important.
- Often, ADU owners will not significantly raise rents once they have a tenant they like.
- ADU owners often do not know the value of their unit so they may underprice it unintentionally.

Potential affordability levels for projected ADU development are based on the Affordability of Accessory Dwelling Units report prepared by the ABAG Housing Technical Assistance Team. The report recommends the following affordability assumptions for new ADUs: Very Low Income, 30%; Low Income 30%, Moderate Income, 30%; and Above Moderate Income, 10%. Therefore, the Town projects ADU affordability for the 72 units as follows: 21 Very Low Income, 21 Low Income, 21 Moderate Income, and 9 Above Moderate Income.

To encourage and facilitate ADUs and provide housing opportunities throughout established neighborhoods, Program H-gg *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.
8. Amend the ADU ordinance to comply with state law.

In addition, Program H-hh *Track and Evaluate Accessory Dwelling Unit Production* says that the Town will continue to track ADU and JADU permits, construction, and affordability levels. The Town will review ADU and JADU development at the mid-point of the planning cycle to determine if production estimates are being achieved as identified in the housing site inventory. Depending on the findings of the review, the Town will revise the housing sites inventory to ensure adequate sites are available to accommodate the remaining lower income housing need.

### 3.6 SENATE BILL 9 UNITS

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 owners of record of vacant single-family lots (29) and received six 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

### 3.0 HOUSING SITES

owner interest and the outreach and incentives identified below, the Town is projecting approximately one-third of the qualified vacant single-family lots, or nine 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 an average of three single-family homes as allowed under SB 9 on nine qualifying vacant single-family lots for a total of 27 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-00. 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 and to all property owners of vacant single-family lots.
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.

### 3.7 ZONING FOR A VARIETY OF HOUSING TYPES

Housing Element Law requires that jurisdictions demonstrate the availability of sites, with appropriate zoning, that will encourage and facilitate a variety of housing types including multi-family rental housing, factory built housing, mobile homes, single room occupancy units, housing for agricultural employees, supportive housing, transitional housing, and emergency shelters. Table 13 summarizes the housing types currently permitted in each of Tiburon's residential zoning districts.

#### ACCESSORY DWELLING UNITS

ADUs are allowed by right in all residential and mixed-use zoning districts that allow single-family and multifamily development (see Section 3.5 above for a description of the Town's accessory dwelling unit regulations).

#### MULTIFAMILY RENTAL HOUSING

Multifamily rentals are allowed by right in the Multifamily Residential zoning districts (R-3 and R-4), the Residential Multiple Planned (RMP) zoning district, the Affordable Housing Overlay district (AHO), and the Mixed Use (MU) districts. The R-3 district allows up to 12.4 units per acre. The Neighborhood Commercial (NC) zone allows incidental residential uses, including multifamily rental housing. The AHO allows 12.9 to 20.7 units per acre when applied to certain parcels in the NC zone.

#### FACTORY BUILT HOUSING AND MOBILE HOMES

The California Government Code requires that the siting and permit process for manufactured housing must be regulated in the same manner as a conventional or stick-built structure. Specifically,

### 3.0 HOUSING SITES

Government Code Section 65852.3(a) requires that, with the exception of architectural requirements, a local government shall only subject manufactured homes (mobile homes and other factory built housing) to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements.

The Town applies the same development standards and design review process to manufactured housing and mobile homes as it uses for stick-built housing of the same type.

#### SINGLE-ROOM OCCUPANCY UNITS

The Town permits hotels and motels, including single room occupancy hotels, in the Mixed Use (MU), Neighborhood Commercial (NC) and Village Commercial (VC) zones with a conditional use permit. Cecilia Place was approved and constructed to be similar to an SRO, although the units are called “studios.” SROs are a permitted use in the affordable housing overlay zone. The zoning code allows higher densities for SROs. Studio dwelling units are counted at a 1.5:1 ratio provided that each unit does not exceed 600 square feet in floor area.

#### TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person may live in a transitional apartment for a predetermined period of time while receiving supportive services that enable independent living. Every locality must identify zones that will allow the development of transitional housing. Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives. Typically, supportive housing is targeted to people who have risk factors such as homelessness, or health challenges such as mental illness or substance addiction.

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 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-mm.

#### HOMELESS SHELTERS

Government Code Section 65583(a)(4) requires jurisdictions to accommodate at least one year-round emergency shelter with the capacity to provide for the unmet needs of homeless individuals. Effective January 1, 2008, Senate Bill 2 amended State Housing Element law to require jurisdictions to allow emergency shelters without discretionary approvals such as use permits.

Emergency shelters are permitted by right in the MU, NC, and VC zones subject to operational standards permitted by State law including parking requirements, on-site management and security requirements, proximity to other shelters, lighting, and length of stay. The maximum number of beds

### 3.0 HOUSING SITES

or clients permitted to be served in an emergency shelter is 10. As documented in Chapter 2 Housing Needs Analysis of this Housing Element, there are no documented homeless people in Tiburon. However, the Town recognizes that homelessness is a countywide issue and works with other Marin jurisdictions to develop resources, facilities, and programs to address the needs of the homeless. There are 29.2 acres and 24 parcels within the MU, NC, and VC zoning districts, which is adequate to provide capacity for at least one homeless shelter in Tiburon.

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-nn has been added to the housing element to establish parking requirements for emergency shelters in compliance with the state code.

### HOUSING FOR EMPLOYEES AND AGRICULTURAL WORKERS

The housing needs analysis in this Housing Element indicates that there are no farmworkers or agricultural employment in Tiburon. Accordingly, the Town has not identified a need for specialized farmworker housing beyond overall programs for housing affordability.

The Town complies with the Employee Housing Act. Pursuant to Health and Safety Code Section 17021.5, the Town deems any employee housing providing accommodations for six or fewer employees as a single-family structure. No conditional use permit, zoning variance, or other zoning clearance is required of employee housing serving six or fewer employees that is not required of a single-family dwelling in the same zone.

### 3.8 OPPORTUNITIES FOR ENERGY CONSERVATION

Housing Elements are required to identify opportunities for energy conservation in residential development. The Housing Element must inventory and analyze the opportunities to encourage the incorporation of energy saving features, energy saving materials, and energy efficient systems and design for residential development. Planning to maximize energy efficiency and the incorporation of energy conservation and green building features can contribute to reduced housing costs for homeowners and renters, in addition to promoting sustainable community design and reduced dependence on vehicles. Such planning and development standards can also significantly contribute to reducing greenhouse gases.

### 3.0 HOUSING SITES

New development projects, including additions and alterations, are required to comply with the California Building Standards Code, which includes requirements to ensure energy-efficient and green building design and construction. The Building Code is updated every three years. The 2022 Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

The Town adopted an updated Climate Action Plan (CAP) in 2022 which sets forth actions to reduce community-wide emissions 50% below 1990 levels and achieve carbon neutrality by 2045. These goals are consistent with the State's goals to reduce statewide emissions 40% below 1990 levels by 2030 (as codified in Senate Bill 32) and achieve carbon neutrality by 2045 (as expressed in Executive Order B-55-18). The CAP contains several actions to improve energy efficiency, accelerate the use of renewable energy, and electrify homes, often by going beyond State Building Code requirements. CAP action EE-C4 commits the Town to adopting a green building ordinance for new and remodeled residential projects that requires green building methods, materials, and efficiency above the State Building and Energy codes. CAP action RE-C3 states that the Town will prohibit the use of natural gas end uses in new residential buildings beginning with the 2022 Building Code cycle.

The CAP also contains actions to promote and expand participation in available energy efficiency rebates and programs. As detailed in Action EE-C1, the Town will:

1. Work with organizations and agencies such as the Marin Energy Watch Partnership, the Bay Area Regional Network (BayREN), MCE, Resilient Neighborhoods, and the Marin Climate & Energy Partnership to promote and implement energy efficiency programs and actions.
1. Continue and expand participation in energy efficiency programs as they become available.
2. Promote utility, state, and federal rebate and incentive programs.
3. Participate and promote financing and loan programs for residential and non-residential projects such as Property Assessed Clean Energy (PACE) programs, BayREN financing programs, PG&E on-bill repayment, and California Hub for Energy Efficiency Financing (CHEEF) programs.

Finally, the CAP contains actions to conduct outreach and education to community members, including low-income households, on ways to improve the energy efficiency of homes, electrify appliances and heating systems, and reduce household emissions.

As detailed in the evaluation of the current housing element in Appendix B, Town residents have benefited from several energy efficiency programs during the 2015-2023 planning period, including California Energy Youth Services, Electrify Marin, BayRen, PACE loans, and Resilient Neighborhoods. The Town commits to working to improve energy efficiency homes, especially those occupied by lower income households, through Housing Element Programs H-u *Rehabilitation Loan Programs*, H-bb *Provide Information on Energy Efficiency and Renewable Energy Programs*, and H-aa *Link Code Enforcement with Public Information Programs on Town Standards and Rehabilitation and Energy Loan Programs*.

## 4.0 HOUSING CONSTRAINTS

### 4.1 OVERVIEW

The Housing Element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, and development of housing for all income levels, including housing for persons with disabilities. The analysis must identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis must determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs. The Housing Element must analyze non-governmental constraints as well.

### 4.2 LAND USE DESIGNATIONS AND ZONING STANDARDS

Tiburon’s regulatory standards assure procedural consistency, promote a cohesive built environment, and protect the long-term health, safety, and welfare of the community. However, regulations can conflict with policies and constrain the development of affordable housing. The following analysis assesses the Town’s land use regulations, procedures, and fees to identify possible conflicts.

#### GENERAL PLAN LAND USE ELEMENT

The General Plan Land Use Element provides twelve residential and mixed-use land use designations, which are summarized in Table 13 below. Table 14 identifies three new land use designations (Mixed Use, Main Street, and Very High-25) that will be adopted when the Housing Element and General Plan 2040 are adopted and new residential densities for the Village Commercial and Neighborhood Commercial land use designations.

**Table 13 General Plan Land Use Designations that Allow Residential Development**

Designation	Residential Development Density
Low Density (L)	Up to 0.5 units per acre
Planned Development – Residential (PD-R)	Up to 1.0 units per acre
Medium Low Density (ML)	Up to 1.1 units per acre
Medium Density (M)	Up to 3.0 units per acre
Medium High Density (MH)	Up to 4.4 units per acre
High Density (H)	Up to 11.6 units per acre
Very High Density (VH)	Up to 12.4 units per acre
Very High Density/Affordable Housing Overlay (VH-AHO)	Up to 18.4 units per acre and 24.8 with density bonus
Neighborhood Commercial/Affordable Housing Overlay (NC-AHO)	Up to 15.3 units per acre and up to 20.7 units per acre with density bonus

## 4.0 Housing Constraints

**Table 14: Proposed Land Use Designations and Residential Densities**

Designation	Residential Development Density
Very High Density-25 (VH-25)	Up to 25 units per acre
Mixed Use	Up to 35 units per acre
Main Street (MS)	Up to 25 units per acre
Neighborhood Commercial (NC)	Up to 10 units per acre and up to 20.7 units per acre with the Affordable Housing Overlay
Village Commercial (VC)	Up to 15 units per acre

In addition to the mixed-use land use designations, the Town has adopted policies in the Land Use Element of the General Plan to further encourage in-fill and mixed-use development in the commercial areas of the community, especially in the Downtown, that provide access to transit routes and the Tiburon Ferry Terminal. The Town does not have growth controls.

The General Plan provides a comprehensive program, including mixed-use land use designations, to promote housing development at all income ranges. The General Plan is not a constraint to housing development.

### DEVELOPMENT STANDARDS

#### *Residential Zoning Districts*

The Town of Tiburon zoning ordinance includes seven residential districts with typical suburban development standards and densities. Development standards for the residential districts are summarized in Table 15 and described below. A new R-4 multifamily district will permit up to 25 units per acre, with a minimum of 20 units per acre, to encourage affordable housing. The district will be applied to Site 8 and development standards will allow 2 and 3 story buildings. A new R-3-10 district will permit up to 12.4 units per acre with a minimum of 10 units per acre. This zoning district will be applied to Site H and allow single-family and multifamily development.

#### 4.0 Housing Constraints

**Table 15 Development Standards in Residential Zoning Districts**

Zoning district	R-1	R-1-B-A	R-1-B-2	RO-1	RO-2	R-2	R-3 and R-3-10
Building height	30'	30'	30'	30'	30'	30'	30'
<i>Setbacks</i>							
Front	15'	20'	25'	30'	30'	8'	8'
Side	8'	6'	10'	20'	15'	8'	8'
Rear	20% to 25'	20% to 25'	20% to 25'	20% to 25'	20% to 25'	20% to 25'	8'
Minimum Lot Area	10,000 sf	10,000 sf	10,000 sf	40,000 sf	20,000 sf	7,500 sf	10,000 sf (3,500 sf/unit)
Lot coverage (maximum %)	One-story development: Same as maximum FAR; Two-story or multi-story development: 30%			15%	15%	35%	30%
Floor Area Ratio	See below	See below	See below	See below	See below	See below	0.6
Parking spaces	2	2	2	2	2	1.5 per unit	See below

## 4.0 Housing Constraints

**Floor Area Ratio (FAR):** Floor area ratio guidelines in residential districts are as follows:

- 35% of the property area for lots less than 7,500 square feet in area, plus an additional 450 sq. ft. of garage or carport;
- For properties between 7,500 and 60,000 square feet, the FAR guideline is 10 percent of the property plus 2,000 square feet, plus an additional 600 square feet of garage or carport;
- For lots greater than 60,000 square feet, the FAR guideline is 8,000 square feet plus 750 square feet of garage or carport.

**Parking:** One-and-a half (1½) parking spaces are required for each dwelling unit in a residential development, with a minimum of two required.

In the R-3 zone, studio and one-bedroom apartments are required to have one parking space. Apartments with two or more bedrooms and condominiums are required to have two parking spaces.

**Open Space:** In the R-2 zone, a minimum of 375 square feet of outdoor usable open space with a minimum dimension of 12 feet is required per unit.

In the R-3 zone, the following schedule of outdoor usable open space is required:

- 150 square feet per efficiency or studio apartment
- 200 square feet per 1 bedroom apartment
- 250 square feet per 2 bedroom apartment
- 300 square feet per 3 or more bedroom apartment

Senate Bill 9. Senate Bill (SB) 9 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. Both newly created parcels must be no smaller than 1,200 square feet, and no parcel may be smaller than 40 percent of the lot area of the original parcel. Consistent with State law, the Town imposes only objective, zoning, subdivision, and design standards that do not conflict with the statute. The Town has adopted specific application procedures and clear and objective development standards for SB 9 lot splits and units as allowed by State law. New SB 9 units are limited to 16 feet in height and 800 square feet.

### *Non-Residential Zoning Districts that Allow Housing*

The Town has two commercial zones that allow housing, as well as an affordable housing overlay district that may be applied to the Neighborhood Commercial (NC) zone. The development standards for these districts are summarized in Table 16.

#### 4.0 Housing Constraints

**Table 16: Development Standards in Non-Residential Zoning Districts that Allow Housing**

Zoning district	VC	NC	NC/AHO
Building height	30'	30'	3 stories or 38'
Lot frontage	None	None	None
FAR for commercial area	.28	.37	.37
Front	None	None	None
Side	None	None	None
Rear	None	None	None
Minimum Lot Area	10,000 sf	10,000 sf	10,000 sf
Lot Area per unit (sf)	Expressed as max. density/acre		
Lot coverage (maximum %)	None	None	None
Minimum Open space (sf)	None	None	None
Parking spaces per unit	<u>Apartments:</u> 1 space/studio & 1 bdrm 2 spaces/ 2+ bdrms <u>Condos:</u> 2 spaces	<u>Apartments:</u> 1 space/studio & 1 bdrm 2 spaces/ 2+ bdrms <u>Condos:</u> 2 spaces	<u>Apartments:</u> 1 space/studio & 1 bdrm 2 spaces/ 2+ bdrms <u>Condos:</u> 2 spaces

#### *New Downtown Zoning Districts*

The Town will adopt new Mixed Use (MU) and Main Street (MS) zoning districts to implement the Housing Element when the Housing Element is adopted. The Town is adopting objective development and design standards for Downtown districts, including the MU, MS, and Village Commercial (VC) as shown in Table 17. These standards were developed after the housing element opportunity sites were selected and were designed to achieve the maximum permitted densities identified in the Sites Inventory (Table 11).

**Table 17: Proposed Zoning Standards for Mixed Use and Main Street Zoning Districts**

Standard	MS	MU	VC
Lot size, minimum (square feet)	10,000		
Residential density, maximum (dwelling units per acre)	25	35	15
Residential density, minimum (dwelling units per acre)	20	30	10
Total Floor Area Ratio (FAR), maximum	1.50	1.75	0.28
Block width, maximum	200 feet		
Building Setbacks			
Front Setback from Street Property Line			

#### 4.0 Housing Constraints

Minimum	0 feet	10 feet	10 feet
Maximum	2 feet	15 feet	20 feet
Side Setback, Minimum	0 feet	5 feet	5 feet
Rear Setback, Minimum	0 feet, except: 20 feet adjacent to R-zoned parcels, 10 feet adjacent to Juanita Lane ROW		
Building Height Standards			
Maximum Building Height	3 stories, up to 45 feet		2 stories, 30 feet
Maximum Height within 60 feet of R-zoned property	2 stories, up to 35 feet		1 story, 20 feet
Minimum Building Height	25 feet		
Building Stepback Standards			
Height above which requires Stepbacks	above 2 stories or 30 feet, whichever is less		
Minimum Depth of Required Stepback	10 feet	20 feet	20 feet
Parking spaces per unit	<u>Apartments:</u> 1 space per studio & 1 bedroom unit 2 spaces per 2+ bedroom unit <u>Condos:</u> 2 spaces per unit		

#### *Affordable Housing Overlay*

The Affordable Housing Overlay (AHO) may be applied to the NC district. The AHO provides more flexible parking standards, higher densities for smaller units, and increased financial feasibility. To qualify for the numerous benefits of the overlay zone, a residential development project must include a minimum of 5 percent very low income, 10 percent low income, and 10 percent moderate income (defined in the Zoning Code as below 90% of median income) housing units. On sites that will yield 10 or fewer total units at the minimum allowable density, the affordable component is reduced to 20 percent of total units, of which at least 50 percent must be affordable to lower income households. A percentage of the housing units must also be designed for special needs populations as per section 16-70.030 of the municipal code. Multifamily uses are permitted by right, and the maximum residential density is 20.7 units per acre, additive to a 0.31 FAR for commercial uses in the NC zone. Higher densities are permitted when units are significantly smaller and have few impacts than the market norm. Studio dwelling units are counted at a 1.5:1 ratio provided that each unit does not exceed 600 square feet in floor area; one-bedroom units are counted at a 1.25:1 ratio provided that each unit does not exceed 800 square feet in floor area. The building height limit is 3 stories or 38 feet, whichever is less. Setbacks and lot coverage standards are intentionally flexible and left to be determined through site plan and architectural review process.

A number of development incentives are available for projects developed in the AHO zone, including higher densities, relaxation and/or flexibility in development standards, reduced parking standards, reduced interior amenity levels, priority processing, fee reductions and waivers, and utility hookup subsidies.

## 4.0 Housing Constraints

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).

### *Parking Standards*

Tiburon requires off street parking for all new residential development. For mixed-use projects the parking requirement must be satisfied for all uses unless a parking variance is granted. Generally, if a mixed-use project cannot provide off-street parking, the Town supports shared parking arrangements. Variances are also granted to reduce the overall parking requirement or to allow tandem parking.

In 2012, the Town implemented reduced and flexible parking standards in the affordable housing overlay zone. Depending on project characteristics and availability of on street parking, flexible parking standards may include shared parking, joint use parking, off-site parking, allowances for reduced standards depending on location (such as near transit), and modified parking stall dimensions and tandem parking. The updated standards recognize that smaller, more affordable housing near transit and services will generate fewer trips and area-wide impacts and will require less parking.

### *Conclusions*

The development standards in the residential, mixed use, and commercial districts do not constrain the development of housing. Standards in the MU, MS and R-4 districts were developed after the housing sites shown in Table 11 were selected and were designed to ensure that the identified realistic unit capacities could be achieved.

## OBJECTIVE DESIGN STANDARDS

Housing legislation defines an "objective" standard as one that involves no personal or subjective judgment by a public official and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

The Town is in the process of developing objective design and development standards for qualifying new multi-family housing developments, which are expected to be approved with adoption of the Housing Element and General Plan Update. These objective design standards will be applied to SB 35 projects which create two or more new housing units in a multifamily project or mixed-use project where at least two-thirds of the square footage is for residential use; include at least 10% of the units affordable to lower-income households; and pay prevailing construction wages. Pursuant to California state law, emergency shelters are also subject to objective design review standards. As discussed above, the Town also applies objective design standards to ADUs and SB 9 units.

## INCLUSIONARY HOUSING ORDINANCE

Inclusionary zoning, also known as inclusionary housing, refers to a range of policies and practices that mandate or provide incentives for the inclusion of affordable housing units in new developments.

## 4.0 Housing Constraints

Inclusionary zoning is a tool that cities and counties can adopt to increase the supply and funding for affordable housing. Inclusionary zoning policies establish a variety of requirements for the development of new housing, such as the number of affordable units required to be constructed in an otherwise market-rate residential development project, the minimum project size where inclusionary housing requirements would apply, affordability targets, and alternative means of achieving affordable housing goals when constructing new residential development projects.

The Town's inclusionary housing regulations require residential projects of two or more new lots or dwelling units to pay an in-lieu housing fee or develop a minimum of number of inclusionary units affordable to very-low-, low-, or moderate-income households. Developments of 3 to 6 units pay an in-lieu fee based on 15 percent of the units being affordable. Developments of 7 to 12 units must include a minimum of 15 percent inclusionary units affordable to very low-, low-, and moderate-income households, and development of more than 12 units must provide 20 percent inclusionary units. Five percent of the total units must be affordable to very low- or low-income households. The in-lieu fee is \$405,000 for each affordable unit that is required but not built.

Inclusionary units must be comparable in square footage and interior amenity level and 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-dd 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 inclusionary requirements were adopted in 1998 and updated in 2006 and 2012. Developers typically choose to pay in-lieu fees, which the Town has used to help construct affordable units. In general, the inclusionary ordinance has not constrained the development of housing in Tiburon. The inclusionary program has been in effect for 25 years and is well known by members of the real estate and development community. As a result, the cost of producing the inclusionary units, or paying the in-lieu fees, is factored into the cost of land.

The Town of Tiburon's inclusionary requirements are similar to those of other jurisdictions in Marin County and do not pose a constraint to residential development. Many communities offer a variety of concessions or incentives for construction of affordable units, including but not limited to, density bonuses or incentives of equal financial value, waiver or modification of development standards, provision of direct financial assistance, and deferral or reduction of payment of fees. Projects that meet the inclusionary ordinance are entitled to a density bonus in accordance with State law.

Program H-dd states the Town will monitor the Inclusionary Housing Ordinance throughout the planning period and consider adjusting the number and/or percentage of required affordable units as necessary in order to achieve the Town's affordable housing goals without unduly impacting overall housing production and supply.

### 4.3 FEES AND EXACTIONS

Development fees charged by the Town of Tiburon fall into three categories:

1. Processing fees for direct Town services.

#### 4.0 Housing Constraints

2. Development impact fees charged to finance the cost of capital improvements or mitigate project impacts.
3. Fees collected by the Town for other governmental agencies.

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

##### *Processing Fees*

Processing fees are collected when a development application is filed. The Town sets the rate for application fees based on the cost to process the application, including the initial receipt of the application materials, analysis and approval of the application, and post-approval administration such as filing and inspections. Where application fees are charged on a time and materials basis, the applicant pays a deposit, and the Town draws down on the deposit based on the number hours worked based on an hourly rate that covers the salary of the employee performing the service and a fixed percentage for overhead. Applications for services that require minimal review times are charged flat rates. These rates are based on time studies that have determined the average processing time for a particular service. Table 18 lists the planning fees for residential development. It is Town policy to consider waiver of processing fees for affordable housing projects and inclusionary units.

Building permit fees are based on the total valuation of the project which includes architectural and engineering fees, site preparation, demolition, and construction costs. The Building Department provides a schedule to establish project valuation when the applicant does not provide the total valuation. Additional fees are charged for plan storage and plan check and include a technology recovery fee and a general plan maintenance fee surcharge.

**Table 18: Processing Fees**

Application	Fee	
	Single-family	Multifamily
Planning and Zoning		
General Plan Amendment	Time & materials	Time & materials
Rezoning	Time & materials	Time & materials
Environmental Review	Time & materials	Time & materials
<i>Design Review Application</i>		
Minor Alteration (staff level review) for projects less than 500 sf	\$255	\$255
Design review of projects less than 500 sf that require review by the Design Review Board	\$485	\$485
Projects between 500 and 1,000 sf	\$945	\$945
Projects more than 1,000 sf	\$1,325	\$1,325
New residential building	\$2,825	\$2,825

#### 4.0 Housing Constraints

<i>Conditional Use Permit</i>		
Minor use permit	\$1,540 initial deposit	\$1,540 initial deposit
Major use permit	\$6,520 initial deposit	\$6,520 initial deposit
Variance	\$450	\$450
ADU Permit	\$595	\$595
JADU Permit	\$250	\$250
<i>Subdivision</i>		
Lot Line Adjustment – 4 or fewer parcels	\$960 initial deposit	\$960 initial deposit
Prezoning – multiple parcels	\$3,260	\$3,260
Precise Development Plan	\$6,520 + \$260 each unit	\$6,520 + \$260 each unit

#### *Impact Fees*

The Town of Tiburon collects four impact fees, listed in Table 19 below, to mitigate the effects of residential development projects on the local environment. The impact fee rates were set based on nexus studies as required by the Mitigation Fee Act (Government Code section 66000–66025). New subdivisions are required to dedicate land for parks or pay an in-lieu fee pursuant to the Quimby Act.

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 caused 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 Town also charges a Stormwater Impact Fee based on \$1 per square foot of new impervious project created by the project. The nexus study for the Stormwater Impact Fee was completed in March 2004. The fee has not changed since that time.

The Town’s Traffic Mitigation Fee is an exaction applied to new development that generates new additional traffic in Tiburon. The fee applies to residential and commercial projects and requires that the project pay its pro rata share per each new PM peak trip contributing to each intersection where improvements are needed per the General Plan. The Town’s traffic engineering consultant completed a comprehensive update of the traffic model and fee structure in 2006. PM peak trips are calculated based on current trip generation data from the Institute of Transportation Engineers, taking into account the use and location of the project site. The traffic model and fee structure will be updated per General Plan 2040 Program M-e “Updating the Transportation Mitigation Fee” once the new General Plan 2040 is adopted and the associated environmental impact report is certified (anticipated in May 2023).

## 4.0 Housing Constraints

The Town’s inclusionary zoning regulations apply to residential development creating two or more new dwelling units, with exceptions for 1) construction of a two-family dwelling on an existing lot in the R-2 zone and 2) the subdivision of a lot or parcel into two lots, wherein no more than a combined total of two dwelling units total could be constructed under applicable zoning regulations on the resulting lots. Developments of two to six lots or dwelling units must pay an in-lieu fee based on a requirement of fifteen percent of the units being affordable. In-lieu housing fees are calculated based on the difference between the affordable purchase price of a dwelling unit for which a moderate income four-person family earning eighty percent of median income can qualify, and the estimated cost of constructing a market rate unit of appropriate size. Variables used in the calculation are updated at the time of application in consultation with the Marin Housing Authority. These variables include dwelling size, construction costs, land and site development costs, current income limits, and mortgage terms and interest rate.

**Table 19: Impact Fees**

Fee	Amount
Street Impact Fee	1% of project valuation
Stormwater Impact Fee	\$1 per sf of new impervious surface
Traffic Mitigation Fee	Applies to residential and commercial projects that generate new additional traffic in Tiburon and requires that the project pay its pro rata share per each new PM peak trip contributing to each intersection where improvements are needed per the General Plan.

### *Special District Fees*

As the Town of Tiburon is not a full-service municipality, several agencies and special districts levy fees on new development for the provision of basic urban services. Sanitation district fees depend upon where the project is located in Tiburon. These agencies and special districts include the following:

- Reed Union School District
- Marin Municipal Water District
- Sanitary District Number 5 of Marin County
- Richardson Bay Sanitary District
- Sanitary District Number 2 of Marin County
- Central Marin Sanitation Agency
- Tiburon Fire Protection District
- Southern Marin Fire Protection District

Recognizing that water connection fees may serve as a constraint to affordable housing development, the Marin Municipal Water District (MMWD) offers a 50% fee reduction for qualified affordable rental and ownership housing projects that are affordable to low and moderate income Up to 100% of AMI) households for at least 30 years and qualified rental units in for-profit development that are legally restricted to be affordable to lower income household for at least 10 years. Pursuant to state law,

#### 4.0 Housing Constraints

MMWD does not require a new or separate water connection or charge a connection fee or capacity charge for qualified ADUs and JADUs.

Table 20 lists the fees that would be collected for a representative single-family infill home and 25-unit multifamily project. The single-family house is assumed to be 3,255 square feet with a construction valuation of \$386 per square foot, for a total \$1,256,430. The multifamily project is assumed to be 25 units averaging 1,000 square feet of gross floor area per unit, with a construction valuation of \$584 per square foot, or \$584,000 per unit.

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.

**Table 20: Residential Development Fees**

FEE TYPE / DESCRIPTION	Single Family Residence		25-Unit Condo Project	
	LOW AMOUNT	HIGH AMOUNT	LOW AMOUNT	HIGH AMOUNT
PLAN CHECK	\$4,172	\$4,172	\$49,428	\$49,428
BUILDING PERMIT	\$ 6,418	\$ 6,418	\$ 76,043	\$ 76,043
PLAN STORAGE	\$ 250	\$ 250	\$ 250	\$ 250
CA SEISMIC TAX	\$ 163	\$ 163	\$ 3037	\$ 3037
PLUMBING	\$ 641	\$ 641	\$ 7,604	\$ 7,604
ELECTRICAL	\$ 1284	\$ 1284	\$ 15,209	\$ 15,209
MECHANICAL	\$ 577	\$ 577	\$ 6,844	\$ 6,844
GRADING	\$ 75	\$ 75	\$ 125	\$ 125
ENCROACHMENT	\$ 290	\$ 290	\$ 290	\$ 290
STREET IMPACT FEE	\$ 12,564	\$ 12,564	\$ 233,600	\$ 233,600
TRAFFIC MITIGATION FEE	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
D/R COMPLIANCE	\$ 150	\$ 150	\$ 300	\$ 300
GENERAL PLAN MAINTENANCE FEE	\$ 892	\$ 892	\$ 10,570	\$ 10,570
S.WATER RUN OFF IMPV. FEE	\$ 4,875	\$ 4,875	\$ 60,000	\$ 60,000
TECHNOLOGY FEE	\$ 2,311	\$ 2,311	\$ 7,500	\$ 7,500
CA DISABILITY ACCESS AND EDU	\$ 4	\$ 4	\$ 4	\$ 4
CA BLDG. STD. AD. FUND	\$ 51	\$ 51	\$ 935	\$ 935
DESIGN REVIEW	\$ 2,825	\$ 2,825	\$ 2,825	\$ 2,825
GRADING, FILLING, OR EARTHWORK REQUIRING DESIGN REVIEW APPROVAL	\$ 805	\$ 805	\$ 805	\$ 805
ENVIRONMENTAL REVIEW	\$ 50	\$ 1,600	\$ 50	\$ 1,600
<b>TOWN OF TIBURON SUB TOTAL</b>	<b>\$ 44,397</b>	<b>\$ 44,397</b>	<b>\$ 481,419</b>	<b>\$ 482,969</b>
SCHOOL DISTRICT FEE	\$ 7,747	\$ 7,747	\$ 21,600	\$ 21,600

## 4.0 Housing Constraints

WATER INSTALLATION FEES	\$ 4,420	\$ 5,290	\$ 44,200	\$ 44,200
WATER CONNECTION FEES (BUY INTO SYSTEM)	\$ 7,022	\$ 24,578	\$ 58,520	\$ 58,520
SEWER HOOKUP SANITARY DISTRICT NO 5	\$ 5,000	\$ 17,000	\$ 35,000	\$ 41,000
FIRE PROTECTION DISTRICT REVIEW FEE	\$ 151	\$ 151	\$ 151	\$ 604
<b>SPECIAL DISTRICT SUB TOTAL</b>	<b>\$ 24,340</b>	<b>\$ 54,766</b>	<b>\$ 159,471</b>	<b>\$ 165,924</b>
<b>GRAND TOTAL</b>	<b>\$ 68,737</b>	<b>\$ 100,713</b>	<b>\$ 640,890</b>	<b>\$ 648,893</b>
ASSUMED DEVELOPMENT IN SQ FT	3,255	3,255	40,000	40,000
ASSUMED CONSTRUCTION COST PER SQ FT	\$ 386	\$ 386	\$ 584	\$ 584
ASSUMED IMPERVIOUS AREA	3,250 X 1.5 = 4,875		440,000 X 1.5 = 60,000	
ESTIMATED CONSTRUCTION COST	\$ 1,256,430	\$ 1,256,430	\$ 23,360,000	\$ 23,360,000
ASSUMED LAND VALUE 0.5 ACRE FOR SFR, 0.75 FOR MF PROJECT	\$ 1,100,000	\$ 1,100,000	\$ 5,000,000	\$ 5,000,000
TOTAL DEVELOPMENT COST	\$ 2,430,042	\$ 2,457,143	\$ 29,000,830	\$ 29,008,893
<b>PROPORTION OF TOWN FEES/ EXACTIONS VERSUS TOTAL DEVELOPMENT COST</b>	<b>1.8%</b>	<b>1.9%</b>	<b>1.7%</b>	<b>1.7%</b>
<b>PROPORTION OF TOTAL FEES/ EXACTIONS VERSUS TOTAL DEVELOPMENT COST</b>	<b>2.8%</b>	<b>4.1%</b>	<b>2.2%</b>	<b>2.2%</b>

Source: Town of Tiburon, 2022

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.

### 4.4 PROCESSING AND PERMIT PROCEDURES

The Tiburon Zoning Ordinance closely tracks the General Plan, but in addition provides detailed development standards and processing procedures. Below is a description and analysis of the current residential development review process in the Town of Tiburon. The analysis addresses properties that allow housing development, both in residential zones and in commercial zones.

#### OBJECTIVE DESIGN STANDARDS AND STREAMLINED REVIEW

As discussed in Section 4.2, the Town is developing objective design and development standards for qualifying new multifamily housing developments. Objective design and development standards

## 4.0 Housing Constraints

applied when a proposed development project requests permit streamlining in compliance with State law (i.e., Senate Bill 35) and for reviewing applications under the Housing Accountability Act. The intent of Senate Bill 35 and the Housing Accountability Act is to facilitate and expedite the construction of housing through the application of objective standards and, with Senate Bill 35, ministerial and streamlined approval procedures.

Consistent with State law (i.e., Senate Bill 330), the Town allows a housing developer to submit a “preliminary application” 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. The pre-application allows a developer to provide a specific subset of information on the proposed housing development ahead of providing the full amount of information required by the Town. 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.

Also in compliance with SB 330, the Town limits the number of public hearings for applicable housing development projects to five, including Planning Commission, Town Council, and appeal hearings. Eligible projects are required to comply with objective zoning standards and General Plan requirements as well as CEQA. CEQA hearings or hearings related to zoning variances or code exemptions are not including in the public hearing limit.

### REVIEW PROCESS AND TIMELINE

Tiburon processes the typical small development (for example, a new single-family or two-family home) in three to four months from application to building permit submittal. Single-family housing development applications generally take less time to review than multi-family proposals. When proposed single family developments are in conformity with the General Plan and existing zoning, it is possible to process the required applications within several months. New single-family and multifamily development proposals are subject to Design Review, unless ministerial review is required under state law. Major projects may also require an EIR.

The total review time for multifamily projects, from the initial developer contact with the Town to final planning approval, can take up to a year. However, the Town does not have much of a recent history to draw conclusions about typical processing times for multifamily development. The Town received only one multifamily application over the past 20 years: a 3-story mixed-use project, located at 1694-1696 Tiburon Boulevard, that was developed in 2016. The development contains a restaurant on the ground floor with two housing units above. Because the site is located in the Neighborhood Commercial (NC) zone, the project required a conditional use permit and design review. The conditional use permit application was received on April 30, 2014, and reviewed by the Planning Commission over several hearings. The Planning Commission approved the conditional use permit on August 12, 2015; it was subsequently appealed to the Town Council, which denied the appeal on September 16, 2015. The project then went to the Design Review Board on May 5, 2016, and was approved in a single hearing. The entire process took just over two years.

In Tiburon’s residential zones, a single discretionary permit (Design Review) is required to construct single family homes, two-family homes, and multifamily housing, as shown in Table 21.

#### 4.0 Housing Constraints

In Tiburon’s Neighborhood Commercial (NC) and Village Commercial (VC) zones, current zoning 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; processing is sequential. To facilitate housing development and improve the certainty of approval, the Town is amending the Zoning Code to permit multifamily as a permitted use in the NC and VC zones, as shown in Table 21.

The Town is also creating new zoning districts (R-3-10, R-4, MU, and MS) that allow multifamily development by right, as shown in Table 21. In addition, the Town is removing the conditional permit requirement for many commercial uses in the MU and MS zones such as retail, personal services, food and beverage, and business and household services. As a result, the review process and processing times for proposed multifamily and mixed-use development on Sites 1-9 and A-H will be much more efficient once rezoning is complete pursuant to Programs H-ii and H-ll. Objective development and design standards are provided for all mixed-use projects in the MU, MS, and VC zones, as well as residential projects qualifying for streamlined (ministerial) processing under State housing law, including but not limited to Government Code sections 65913.4, 655589.5 and 756852.21, in the NC zone.

**Table 21: Allowable Land Uses and Permit Requirements**

Zoning District	Single-Family	Two-Family	Multi-family	ADUs	Community Care Facility	Transitional/ Supportive Housing	Emergency Shelters
<b>R-1</b>	P	—	—	MP	P	P	—
<b>R-1-B</b>	P	—	—	MP	P	P	—
<b>R-O</b>	P	—	—	MP	P	P	—
<b>R-2</b>	P	P	—	MP	P	P	—
<b>R-3</b>	P	—	P	MP	P	P	—
<b>R-3-10</b>	P	—	P	MP	P	P	—
<b>R-4</b>	—	P	P	MP	P	P	—
<b>RPD</b>	P	—	—	MP	P	P	—
<b>RMP</b>	P	—	P	MP	P	P	—
<b>MS</b>	—	—	P	MP	P	P	—
<b>MU</b>	—	—	P	MP	P	P	P
<b>VC</b>	—	—	P	MP	P	P	P
<b>NC</b>	—	—	P	MP	P	P	P

P: Permitted use

MP: Ministerial Permit

U: Conditional Use Permit

— : Use not allowed

#### 4.0 Housing Constraints

The Design Review Board acts on Design Review applications at public hearings. The Design Review Board also reviews any variance applications associated with the site plan and design of the project simultaneously; other variances are reviewed by the Planning Commission. If the decision of the Design Review Board or Planning Commission is appealed to the Town Council, the Town Council will hold a hearing and make the final decision on the application. The Design Review process for both single-family and multifamily development typically has the elements and timeline shown in Table 22.

The Town has a maximum of 30 days to conduct an initial review of the project and determine whether it is “complete,” or whether additional information is needed to evaluate the project. While this may seem like a long time, it includes time to refer the application to different departments and outside agencies involved in development review; and to receive and consolidate these comments. Staff tries to anticipate analyses that will be needed for environmental review or during the public hearing process (such as any special studies). If the project does not meet various Town standards, it may also need to be revised. In the past several years, the Town has improved submittal checklists and handouts to identify what information is required for an application to be deemed “complete.”

Within 30 days of receiving a complete application, the Town must determine whether the project requires a Negative Declaration, Environmental Impact Report or can be categorically exempt. If not categorically exempt, staff prepares an “Initial study”. If a Negative Declaration is prepared, the state-required public review period is 20 to 30 days, depending on whether a state agency is involved in the review. If an Environmental Impact Report (EIR) is required it can add an additional 6 to 8 months for preparation and review of the Draft EIR, responses to comments, and preparation of the Final EIR. Town records indicate that over the past 20 years, more than 99 percent of design review applications are found to be categorically exempt from CEQA, and the Design Review Board has considered no EIRs for residential development over that period of time and only a handful of Negative Declarations. All such projects have been approved by the Board.

**Table 22: Design Review Process and Timeline**

Task	Time
<b>Application filed.</b> Project sponsor submits completed application forms, drawings, supporting documents and fees	1 day
<b>Completeness review.</b> The application is routed to Town departments to determine whether additional information is required to process the application, and for recommended conditions of approval.	< 30 days
<b>Completeness notice.</b> Written notice is sent to the applicant informing them whether the project is complete or incomplete.	1 day
<b>Follow-up submittal.</b> If the application is incomplete, the applicant will submit follow-up information as requested. The time to complete this task is determined by the project sponsor, but generally does not exceed 30 days. If the application was complete, this step is skipped.	Varies
<b>Environmental Review.</b> The application is reviewed to determine whether the project is exempt from CEQA or if an Initial Study is required. Most projects are found to be exempt from CEQA. If a Negative Declaration is prepared, environmental review may take the full 6 months allowed by law.	1 day – 6 months

#### 4.0 Housing Constraints

<b>Staff report.</b> A detailed evaluation of the application is conducted by staff and a written report is prepared for public review.	30 days
<b>Public meeting.</b> A hearing notice is sent at least 10 days before the meeting to property owners within 300 feet of the property. The Design Review Board conducts a public meeting and takes action on the application.	10 days

Applications are subject to the Permit Streamlining Act, which sets forth various time limits within which the Town must approve or disapprove permits.

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 hearings 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 included in the public hearing limit. The Town recognizes that the time required to process a development proposal can be a barrier to housing production if it is lengthy. The Town has streamlined its development review process and will be adopting a new Zoning Ordinance with objective development and design standards for the Downtown and qualifying residential projects to make the process more efficient. The new Zoning Ordinance makes residential use a permitted use in all of Tiburon’s residential and mixed-use zones, where a single discretionary permit (Design Review) is required to construct single family, and multifamily housing, and the residential component of mixed use housing (some commercial uses such as retails, personal services, food and beverage, and business and household services are also permitted).

The Town works closely with developers to expedite approval procedures so as not to put any unnecessary timing constraints on development. For a project of scale or a likely controversial project, an initial pre-consultation meeting with the planning department, public works, and the fire district is recommended to discuss the development proposal. Then a description of the project and application must be filed with a site plan, which is first reviewed by the planning division and other agencies such as public works for consistency with Town ordinances and General Plan guidelines. After the project is approved, the building division performs plan checks and issues building permits. Throughout construction, the building division will perform building checks to monitor the progress of the project. This process does not seem to put an undue time constraint on most developments because of the close working relationship between Town staff, developers, and the decision-making bodies (Design Review, Planning Commission, and Town Council). Some projects may include a variance request and those requests are generally considered at the same hearing as the design review permit to avoid delays in processing. A majority of Design Review applications are approved at the first hearing. Additionally, appeals of Design Review Board decisions are limited to a single step, directly to the

## 4.0 Housing Constraints

Town Council, to avoid unnecessary delays from intermediate hearing bodies such as the Planning Commission.

As described above the Town is adopting objective development and design standards that will be applied to the Downtown zones and applicable projects in the NC zone. For all other projects, the Tiburon zoning ordinance provides the criteria used by decision-makers when reviewing a project for design review approval. The Town also provides illustrations and further details of factors considered in the Town's Hillside Design Guidelines and the Downtown Tiburon Design Handbook. While design review can be subjective to some extent, these guidelines and Town practices strive to make design review as speedy, objective, and fair as possible.

The guiding principles are intended to decrease uncertainty for applicants, and as much as possible, provide objective and clear standards, considerations, and expectations for new development. The Town also provides separate handbooks for design standards for development in the downtown area and in the hillside areas, which comprise the majority of Tiburon's neighborhoods. These design guideline handbooks provide a series of easy-to-understand examples, using illustrations with written explanations, of acceptable and unacceptable design techniques and practices that are useful to architects, designers, applicants, staff, the community, and decision-makers. These objective tools are used in the review of development applications and act to reduce uncertainty as to whether an application will be favorably received by the Town.

## 4.5 CODES AND ENFORCEMENT

Tiburon adopts and enforces the California Building Standards Code and subsidiary regulations, contained in Title 24 of the California Code of Regulations. While these standards raise construction costs, they are necessary to protect the public health and safety and are required pursuant to State law. Title 24 results in energy savings and lower operating costs for property owners and residents. State law allows local governing bodies to amend the building standards in the new codes as long as they are more restrictive than the state standards and are based on findings that the amendments are necessary due to local climatic, topographic or geological conditions.

The Town has amended the Building Code to require an existing structure with a substandard roof to replace the entire roof with a Class A roof or noncombustible roof when alterations or repairs to the existing roof involves more than fifty percent of the total existing roof area. Other amendments relate to installation of automatic fire sprinklers as required by the Fire Protections Districts, address markings, and construction time limits. The Town has adopted certain voluntary measures of the 2019 CALGreen code as mandatory measures for new residential and non-residential construction (not including additions). These are Tier 1 measures related to planning and design, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. None of the building code amendments pose a special constraint to the production of housing.

The Tiburon Building Division requires a Residential Building Report (RBR) upon the sale of dwelling units to ensure that basic life-safety code violations are identified and corrected before a new owner occupies the building. If these correcting deficiencies pose a hardship to the property owner, residential rehabilitation loans are available for very low-income homeowners through the Marin Housing Authority. If illegal units or uses are discovered during the inspection associated with the RBR, the Building Division requires these units to be brought into compliance with the code (legalized) or abated. The impact of this on the number of housing units has been negligible, as few illegal units

## 4.0 Housing Constraints

are discovered. Nevertheless, Program H-aa calls for the distribution of a handout explaining the “best practices” and procedures for legalizing an unauthorized secondary dwelling unit.

The Town’s code enforcement program is complaint driven. The Town’s planners and the Building Official investigate alleged code violations and most complaints are resolved voluntarily. The Town has a nuisance abatement ordinance that may be used if necessary. The Town may charge additional fees when work has been done without permits and require that the work be brought up to code standards.

### **4.6 ON- AND OFF-SITE IMPROVEMENTS**

On- and off-site improvements (not including basic infrastructure and installation of public utilities) typically include parking, drainage improvements, and streets. These improvements can constitute constraints to the development of affordable housing, although not market-rate housing of the type constructed in Tiburon. Chapter 13-8 of the Tiburon Municipal Code requires new construction on lots fronting unimproved streets to install curbs and gutters as determined by the Town Engineer. With respect to streets, the Town allows narrow streets (18-20 feet) with occasional “parking bays” as opposed to wider streets with parallel parking on one or both sides. This reduces construction costs considerably. Drainage improvements must be adequate to meet standard engineering criteria to prevent damage and flooding. With respect to on-site parking requirements for affordable housing projects, the Zoning Code makes provisions for flexible parking standards and “shared parking” to reduce this constraint.

### **4.7 HOUSING FOR PERSONS WITH DISABILITIES**

As noted in the Special Needs section of the Housing Needs Analysis, persons with disabilities have a number of housing needs related to the accessibility of dwelling units; access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. The Town ensures that new housing developments comply with the California Building Standards Code and federal requirements for accessibility.

### **REASONABLE ACCOMMODATION**

Federal and State law impose an affirmative duty on local government to make reasonable accommodations in their zoning and other land use regulations to remove barriers to disabled persons who are seeking housing. The Housing Element must contain policies and programs to implement fair housing laws and to provide housing for all needs groups. In particular, the Housing Element should identify and remove constraints to the development of housing for persons with disabilities, including land use and zoning regulations, and provide reasonable accommodation as one method of promoting equal access to housing. The fair housing laws require that municipalities apply flexibility or waive standards when necessary to eliminate barriers to persons with disabilities. For example, it may be necessary to waive setback standards to allow installation of a ramp to facilitate access to a home.

The California Attorney General has opined that the usual variance or use permit procedure does not provide the correct standard for making fair housing determinations. In the typical process of granting relief from a zoning standard, the focus is on special characteristics of the property. However, in the case of disabled access, the issue is the special need of the individual that makes the zoning standard a barrier to accessing housing. In response to this problem, many California municipalities are

## 4.0 Housing Constraints

adopting fair housing reasonable accommodation procedures to address barriers in land use and zoning regulations.

### PROCEDURES FOR ENSURING REASONABLE ACCOMMODATION

The Town adopted a reasonable accommodation ordinance in 2012 (Municipal Code Chapter 16, Article IX) to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. The Director of Community Development reviews and approves a request for reasonable accommodation as long as no other discretionary permit approval is required.

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. Although the Town receives very few requests for reasonable accommodation, there is the potential for a request that modifies the building's exterior, such as construction of an elevator or ramp, to trigger design review by the Design Review Board. In order to remove this constraint, the Housing Element contains Program H-q *Reasonable Accommodation*.

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

## 4.0 Housing Constraints

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 nor does the Town distinguish between care facilities based on the number of occupants.

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.

### ZONING AND OTHER LAND USE REGULATIONS

Tiburon implements and enforces Chapter 11A, Housing Accessibility, of the California Building Standards Code. The Town provides information to all interested parties regarding accommodations in zoning, permit processes, and application of building codes for housing for persons with disabilities.

The Town has not identified any zoning or other land-use controls that could discriminate against persons with disabilities or restrict access to housing for disabled individuals. Examples of the ways in which the Town of Tiburon facilitates housing for persons with disabilities through its regulatory and permitting processes include:

1. The Town permits group homes in all residential districts with no regulatory restrictions, except compliance with the building code.
2. The Town does not restrict occupancy of unrelated individuals in group homes and does not limit the number of persons living in a housing unit.
3. The Town permits housing for special needs groups, including persons with disabilities, without regard to distances between uses. The Land Use Element of the General Plan does not restrict the sites of special needs housing.

### PERMITTING PROCEDURES

As a small community, the Planning and Building Department is able to provide personalized service to each resident. Requests to modify homes to meet the needs of the disabled are handled on a case-by-case basis, with staff working closely with applicants to accommodate their needs. The Zoning Ordinance facilitates exterior improvements for physically handicapped residents (e.g., an access ramp) by establishing them as minor permits, approvable by Town staff, and waiving the requirement for a Design Review public hearing. The Town administratively approves building permits for wheelchair lifts and elevators. Wheelchair ramps are not considered to be structures under the Tiburon Zoning Code and are not required to meet setbacks. The Town has the authority to modify parking standards to accommodate the needs of the disabled and has demonstrated its willingness to do so in the past.

The Building Division administers Title 24 provisions consistently for all disabilities-related construction and responds to complaints regarding any violations. The Town has not adopted any amendments to the 2019 California Building Code that conflict with the ADA. There are no restrictions on lowered countertops, widened doorways, adjustable showerheads, or other adaptations that meet the needs of the disabled.

## 4.0 Housing Constraints

The Housing Element contains policies and implementing programs to ensure reasonable accommodation and equal access to housing for people with disabilities in the Town's zoning, permit processing and building codes. In implementation of this policy, the Town has designated an ADA Coordinator to ensure compliance with the Town's Reasonable Accommodation Ordinance and the provisions of the ADA, and to serve as the primary contact for disabled residents with questions, concerns, and requests regarding reasonable accommodation procedures and practices.

### 4.8 NON-GOVERNMENTAL CONSTRAINTS

#### LAND COSTS

Two major factors contribute to high land costs in Tiburon: high demand and limited supply. Land costs in Marin vary both between and within jurisdictions based on factors such as the desirability of the location and the permitted density. In Tiburon, a 0.96 acre vacant lot at 2225 Vistazo Street sold in January 2022 for \$696,000<sup>32</sup>.

Generally, land zoned for multifamily and mixed-use developments is more expensive than property zoned for single-family. Very little land zoned for multifamily or mixed-use development has sold in Tiburon in recent years. Site 3 at 1601 Tiburon Boulevard sold in 2019 and has a current assessed land value of \$3.6 million for 0.57 acres, or approximately \$6.3 million per acre. The parcel is currently zoned for 40-45 units per acre, which represents \$140,000 to \$158,000 per unit.

Land costs can be a constraint to development in Tiburon because affordable housing developers may look to less expensive areas to develop projects. To address this constraint and improve the financial feasibility of housing development, the Town significantly increased the maximum permitted density on sites previously limited to 20.7 units per acre to 45 units per acre. In addition, density bonuses and development concessions are permitted under State law for developments that include affordable units; these are designed to increase the financial feasibility of affordable housing development. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* identifies a variety of actions the Town will take to improve the financial feasibility of providing affordable housing, including regulatory incentives, fast track processing, fee waivers, community outreach, and assistance in completing funding applications.

#### CONSTRUCTION COSTS

Construction costs include both hard costs, such as labor and materials, and soft costs, including architectural and engineering services, development fees, and insurance. According to Cumming, a real estate cost consulting firm, hard construction costs (excluding sitework) for a medium quality, single-family detached house in San Francisco cost between \$322 and \$386 per square foot in 2021. A mid-rise multifamily building cost \$449 to \$584 per square foot in 2021.<sup>33</sup> Construction costs in San Francisco are among the highest in California and in the nation (second only to New York City).

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<sup>32</sup> Realtor.com, accessed 6/3/22.

<sup>33</sup> Cumming, U.S. Costs per Square Foot of Gross Floor Area 2021, San Francisco, <https://ccorpinsights.com/costs-per-square-foot/>, accessed 5/10/22.

## 4.0 Housing Constraints

Comparable construction costs at the low-end of the reported range for a mid-rise multifamily project are 44% lower in Sacramento, 39% lower in San Diego, and 35% lower in Los Angeles.<sup>34</sup>

An inclusionary and in-lieu fee study prepared for the Town and several other Marin County jurisdictions in 2021 estimated development construction costs (excluding land cost) as follows: single-family subdivision, \$299 per square foot; condominium townhome, \$304 per square foot; and rental apartment building, \$611 per square foot. Assuming comparable construction costs for Tiburon, a 50-unit development with a gross building area of 50,000 square feet would have construction costs of approximately \$30.55 million, or about \$611,000 per unit.

Construction costs are a constraint to development in Tiburon and the San Francisco Bay Area, as affordable housing developers may look to less expensive areas to stretch their limited development dollars. To address this constraint and improve the financial feasibility of housing development, the Town significantly increased the maximum permitted density on sites previously limited to 20.7 units per acre to 45 units per acre. In addition, density bonuses and development concessions are permitted under State law for developments that include affordable units; these are designed to increase the financial feasibility of affordable housing development. Program H-cc *Work with Non-Profits and Property Owners on Housing Opportunity Sites* identifies a variety of actions the Town will take to improve the financial feasibility of providing affordable housing, including regulatory incentives, fast track processing, fee waivers, community outreach, and assistance in completing funding applications. In addition, density bonuses and development concessions are permitted under State law for developments that include affordable units; these are designed to increase the financial feasibility of affordable housing development.

### FINANCING

Housing development depends heavily on lending liquidity. When conditions are favorable for lenders, construction volume tends to increase. Loan activity has continued to rise over the past 5 years, although residential and commercial real estate loan origination activity began to taper off in 2021.<sup>35</sup>

Over the past year, mortgage rates for conventional 30-year fixed rate loans have increased from about 3.0 percent to 5.3 percent (Freddie Mac). These conforming loans, which are backed by the federal government through the Federal Housing Administration and the Government Sponsored Entities of Fannie Mae and Freddie Mac, are generally available to home buyers with good credit histories and adequate down payments. Interest rates on non-conforming loans (also known as “jumbo” loans) for loan amounts over \$970,800 (in Marin County) are about one-quarter percentage point higher than conforming loan rates. Interest rates are expected to increase, which may put downward pressure on housing prices. If housing prices stabilize or continue to increase, the overall cost of owning a home will rise.

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<sup>34</sup> Cumming, U.S. Real Estate and Construction Lending Activity, <https://ccorpinsights.com/lending-activity/>, accessed 5/10/22.

<sup>35</sup> Cumming, U.S. Real Estate and Construction Lending Activity, <https://ccorpinsights.com/lending-activity/>, accessed 5/10/22.

## 4.0 Housing Constraints

Small changes in the interest rate for home purchases dramatically affect affordability. A 30-year home loan for \$500,000 at three percent interest has monthly payments of roughly \$2,025. A similar home loan at five percent interest has payments of roughly 25 percent more, or \$2,575.

Affordable housing developments face additional constraints in financing. Though public funding is available, it is allocated on a highly competitive basis and developments must meet multiple qualifying criteria, often including the requirement to pay prevailing wages. Smaller developments with higher per unit costs are among the hardest to make financially feasible. This is because the higher costs result in a sale price that is above the affordability levels set for many programs. Additionally, smaller projects often require significant inputs of time by developers, but because the overall budget is smaller and fees are based on a percentage of total costs, the projects are often not feasible. The Town selected housing sites over ½ acre and close to transit and services to improve the financial feasibility of development and ability to attract grant funding for affordable housing.

### 4.9 AFFORDABLE HOUSING FUNDING PROGRAMS AND RESOURCES

California needs both public and private investment, as well as land use solutions to address critical housing challenges and ensure access to jobs in neighborhoods of opportunity for those living here today and the generations to follow. Land-use regulations can be modified to increase housing supply, encourage development of more affordable housing, and build a variety of housing types located near jobs, transportation, high-performing schools, and other services.

However, even with drastic changes in land-use policy to increase supply, a large number of Californians will always remain priced out of both the ownership and rental housing market. Public investment in housing programs is necessary to meet the needs of those who struggle the most to keep roofs over their heads.

The overview of funding sources below focuses on active local, state, and federal programs implemented by the Marin Housing Authority, Marin County, HCD, and other agencies to address housing needs in Tiburon, especially the needs of extremely low, very low, and low income persons and families.

**Affordable Housing & Sustainable Communities Program.** Funding for housing, transportation, and land preservation projects that support infill and compact development in proximity to transit to reduce greenhouse gas (GHG) emissions.

**Affordable Housing and Home Buyer Readiness Program.** The Affordable Housing and Homebuyer Readiness Program is a financial coaching series designed to help individuals and families overcome obstacles, learn to set goals, and devise a plan to reach them. The program provides information on how to purchase a below market rate unit in Marin County, improve a credit score, avoid and reduce debt, and prepare an affordable housing unit application.

**Below Market Rate (BMR) Home Ownership Program.** The BMR Home Ownership program offers low and moderate-income, first-time homebuyers the opportunity to purchase specified condominium units in Marin County at less than market value. Marin Housing administers the sale of newly constructed units as well as previously owned units being offered for resale. There are approximately 340 homes in the program located throughout Marin County.

## 4.0 Housing Constraints

**CalHome.** Provides grants to local public agencies and nonprofit corporations for first-time homebuyer and housing rehabilitation assistance, homebuyer counseling and technical assistance activities.

**Community Development Block Grant Program (CDBG).** CDBG funds community & economic development & disaster recovery to create suitable living environments by expanding economic opportunities & providing decent housing to low-income households. CDBG grants are administered by the Marin County Community Development Agency, which makes grant funds available to eligible nonprofit agencies and local governments.

**Emergency Solutions Grants (ESG) Program.** Grants to address homelessness by providing funding for supportive services, emergency shelter/transitional housing, homelessness prevention assistance, and permanent housing.

**Golden State Acquisition Fund.** Loans to developers for acquisition or preservation of affordable housing. Loans are up to five years and a maximum of \$13,950,000.

**HOME American Rescue Plan.** Assists individuals or households at risk of, or experiencing homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter.

**HOME Investment Partnerships Program.** Creates and retains affordable housing for lower-income renters, homebuyers, or homeowners by funding tenant assistance, or single- or multi-family acquisition and/or rehabilitation or new construction.

**Homekey.** Grants to acquire and rehabilitate a variety of housing types to rapidly expand housing for persons experiencing or at risk of homelessness.

**Housing for a Healthy California.** Funds the creation and support of new and existing permanent supportive housing for people who are experiencing chronic homelessness or are homeless and high-cost health users.

**Infill Infrastructure Grant Program.** Grant funding for infrastructure improvements that are an integral part of or necessary to facilitate new infill housing in residential and/or mixed-use projects.

**Local Housing Trust Fund Program.** Matching grant funds to local and regional housing trust funds dedicated to the creation, rehabilitation, or preservation of affordable housing, transitional housing, and emergency shelters.

**Home Match.** [Home Match](#) is a free, non-profit home sharing program that connects home providers (homeowners and master tenants) looking to rent a room in their home, apartment, or ADU on their property with home seekers looking for affordable housing options. Home Match is a high-touch service that vets and gets to know both program participants and facilitates matches based on shared lifestyle preferences and communication styles. Home Match serves anyone over 18, but most home providers are older adults who need financial support through rent and, or social support through companionship and task exchange to age in place. Most home seekers are older adults living on a fixed income and working class professionals looking for affordable housing options close to work. Home Match provides comprehensive services, including room readiness support, vetting of participants, personalized matching services, assistance with developing agreements about shared use of space, and ongoing mediation support throughout the match.

## 4.0 Housing Constraints

**Multifamily Housing Program.** Low-interest, long-term deferred-payment loans for new construction, rehabilitation, and preservation of permanent rental housing for lower-income households.

**National Housing Trust Fund.** Federal program to increase and preserve the supply of affordable housing, with an emphasis on rental housing for extremely low-income households.

**Predevelopment Loan Program.** Short-term loans to finance predevelopment costs to preserve, construct, rehabilitate or convert assisted housing for low-income households.

**Reissued Mortgage Credit Certificate Program.** Administered by the Marin Housing Authority, the program provides certificates for lenders and current mortgage credit certificates who refinance their mortgage.

**Residential Rehabilitation Loan Program.** Administered by MHA, the Residential Rehabilitation Loan program provides low-interest property improvement loans and technical assistance to qualified very-low-income homeowners to make basic repairs and improvements, correct substandard conditions, and eliminate health and safety hazards.

**SB 2 Planning Grants Program.** Provides funding and technical assistance to local governments to adopt and implement plans and process improvements that streamline housing approvals and accelerate housing production.

**Section 8 Housing Choice Voucher Program.** The Section 8 Housing Choice Voucher Program provides decent, safe, and sanitary affordable rental housing for very low-income families throughout Marin County. Housing is made affordable by assisting the family with a portion of the rent. A family pays approximately 30% of their monthly income for rent and Marin Housing pays the remainder of the rent directly to the owner. The program is administered by the Marin Housing Authority.

## 5.0 GOALS, POLICIES, AND PROGRAMS

### 5.1 OVERVIEW

The Housing Element must identify programs to: (1) identify adequate sites, with appropriate zoning and development standards; (2) assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households; (3) address, and remove governmental constraints, including housing for persons with disabilities; (4) conserve and improve the condition of the existing affordable housing stock; (5) preserve assisted housing developments at-risk of conversion to market-rate; and (6) promote equal housing opportunities for all persons. The goals, policies, and programs listed in this section outline the means the Town will use to achieve the quantified objectives represented by the Regional Needs Housing Allocation discussed in Section 3.1 and the quantified objectives discussed below.

### 5.2 QUANTIFIED OBJECTIVES

California law requires that housing elements include quantified objectives for the number of units likely to be constructed, rehabilitated, and conserved/preserved by income level for the planning period. The Town of Tiburon quantified objectives for the 2023-2031 Housing Element are shown in Table 22 below.

**Table 23: Quantified Objectives**

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

Tiburon can meet its remaining Regional Housing Needs Allocation for new construction by December 31, 2030, with the sites described in the available land inventory and the programs described in this section. While the available land inventory shows additional capacity, the new construction objectives are a conservative estimate recognizing current economic trends.

### 5.3 HOUSING GOALS, POLICIES, AND PROGRAMS

Tiburon’s housing goals provide for a variety of housing opportunities for all economic segments of the community through new construction and maintenance of existing housing for an economically and socially diverse population, while preserving the character of the community.

Policy statements and implementing programs help define how the Town’s housing goals will be interpreted and implemented. A policy is a specific statement that guides decision making and indicates a commitment of the local legislative body to a particular course of action. Programs define exactly what is to be done to put the policies into practice while working towards the Town’s housing goals.

## 5.0 GOALS, POLICIES, AND PROGRAMS

### Goal H-A

**Establish a Town leadership role in providing a mix of housing types that matches the needs of people of all ages and income levels.**

#### Policies

- H-A1 Local Government Leadership and Commitment of Resources.** Establish affordable housing as an important priority, with local government taking a proactive leadership role in working with community groups, property owners, affordable housing providers, developers, and other jurisdictions, agencies, and stakeholders in implementing the Housing Element. Marshal and commit the Town's political leadership, staff, funding sources, and available land resources toward the implementation of the Housing Element's goals, policies and programs.
- H-A2 Redevelopment Agency (Town of Tiburon as Successor Agency).** Maximize the use of housing set-aside monies in support of affordable housing. Tiburon's solitary Redevelopment Project Area includes a portion of the Downtown area where several of the sites listed in the Housing Element are located. The Town will seek projects where it can expend its Housing Set Aside funds in conjunction with the Marin Housing Authority. Those funds will be used toward affordable housing projects in the Tiburon Housing Element area and preferably within the Redevelopment Project Area boundary.
- H-A3 Affordable Housing In-lieu Fee Fund and Other Funding Sources.** The Town will seek ways to reduce housing costs for lower income workers and people with special needs by using ongoing local funding resources (Housing In-Lieu Fund) and continuing to utilize other local, state and federal assistance to the fullest extent. The Town will continue to collect and expend affordable housing in-lieu fees for meritorious affordable housing projects.
- H-A4 Collaborate with Housing Providers.** Work with private non-profit housing groups to identify opportunities for, and provide and maintain, affordable housing in Tiburon.
- H-A5 Collaborate with Other Marin County Planners.** The Town will coordinate housing strategies with other jurisdictions in Marin County as appropriate to meet the Town's housing need. Small municipalities rarely have the staff expertise to maximize assistance to affordable housing developers, especially in the early stages of project formulation and financing. Therefore, the Town supports collaboration of local planners within Marin County to implement Housing Element programs for each jurisdiction.
- H-A6 Equal Housing Opportunity.** Ensure equal housing opportunities for individuals and families seeking housing in Tiburon. Ensure that housing seekers are not discriminated against, consistent with the Fair Housing Act.
- H-A7 Affirmatively Further Fair Housing.** Take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, which are: race, color, national origin, religion, sex (including identity and sexual orientation), familial status, and disability.

## 5.0 GOALS, POLICIES, AND PROGRAMS

### Implementing Programs

- H-a 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.

- H-b 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:

## 5.0 GOALS, POLICIES, AND PROGRAMS

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.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Undertake outreach for each Housing Element program per the Housing Element implementation schedule

*Timeframe:* Ongoing

- H-c 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

- H-d Promote Countywide Collaboration on Housing.** Participate in a Housing Working Group that consists of staff at all Marin cities and towns and the County of Marin to participate in countywide housing projects, share best practices, and discuss housing issues.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Meet with Housing Working Group

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*Timeframe:* Monthly, or as scheduled

- H-e Provide Home Match Services.** Work with home match service providers such as Home Match Marin to help match over-housed seniors with potential lower income tenants or other seniors to save on housing costs. Promote these programs through outreach methods and venues described in Program H-b.

*Responsibility:* Administration, Community Development Department

*Financing:* General Fund

*Objectives:* Obtain and distribute materials; coordinate with home match service providers; complete an average of 2 matches per year.

*Timeframe:* Update website and distribute handouts and brochures by 2024.

Dedicate one Town newsletter each year to promote home match programs.

- H-f 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:* 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.

- H-g 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

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*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

- H-h Review the Housing Element Annually.** As required by State law, the Town will review the status of Housing Element programs and submit a progress report to the State Department of Housing and Community Development and the Governor's Office of Planning and Research by April 1<sup>st</sup>.

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

*Financing:* General Fund

*Objectives:* Annual review of Housing Element implementation progress

*Timeframe:* Annually by April 1st

- H-i Update the Housing Element.** Update the Tiburon Housing Element consistent with State law requirements.

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

*Financing:* General Fund

*Objectives:* Update and adopt housing element in compliance with State-mandated due date

*Timeframe:* 2031

- H-j Coordinate with Water and Sewer Providers.** As required by State law, the Town will provide a copy of the adopted housing element update to water and sewer providers, including the Marin Municipal Water District, Sanitary District Number 5 of Marin County, Richardson Bay Sanitary District, and Sanitary District Number 2 of Marin County. The Town will also provide a summary and quantification of Tiburon's regional housing need allocation.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Provide copy of Housing Element Update to water and sewer providers

*Timeframe:* Within one month of housing element adoption

- H-k Apply for State and Local Funds for Affordable Housing.** Apply for state and local affordable housing funds including, but not limited to, the programs listed in Section 4.8. Commit these funds to one or more projects located on designated housing sites as shown in the Housing Sites Inventory Table 11, to projects targeted for persons with disabilities, including persons with developmental disabilities, and to projects targeted to extremely low-income households.

*Responsibility:* Town Council, Community Development Department, Town Manager

*Financing:* Staff time

*Objectives:* Develop funding sources for affordable housing

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*Timeframe:* Apply for funding at least three times during the planning period

- H-l Redevelopment Funding (Town of Tiburon as Successor Agency).** In conjunction with the Marin Housing Authority, use remaining housing set-aside funds to meet existing affordable housing obligations and, once those are met, expend the funds solely for the provision of affordable housing in Tiburon consistent with the Tiburon General Plan.

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

*Financing:* Housing set-aside funds

*Objectives:* Meet existing affordable housing obligations and facilitate the development of at least one affordable housing development

*Timeframe:* Ongoing and develop one affordable housing project by the end of 2030.

- H-m 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 to facilitate the development and preservation of affordable housing, including housing for extremely low-income households and for persons with disabilities:

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

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

- H-n Work with the Marin Housing Authority.** Continue to implement the agreement with the Marin Housing Authority (MHA) for management of the affordable housing stock to ensure permanent affordability. Implement resale and rental regulations for very low-, low-, and moderate-income units, and assure that these units remain at an affordable price level.

*Responsibility:* Community Development Department, Town Manager

*Financing:* Staff time, General Fund

*Objectives:* Implement agreements to maintain affordability

*Timeframe:* Ongoing

- H-o Staff Training.** Work with Fair Housing Advocates of Northern California to conduct training sessions for Town employees regarding the receipt, documentation, and proper referral of housing discrimination complaints and other fair housing issues.

*Responsibility:* Administration, Community Development Department

*Financing:* General Fund

*Objectives:* Conduct training sessions for staff

*Timeframe:* As needed

- H-p Housing Discrimination Complaints.** Refer discrimination complaints to the appropriate legal service, county, or state agency or Fair Housing Advocates of Northern California (FHANC). The Community Development Director is the designated person in Tiburon with responsibility to investigate and deal appropriately with complaints. Discrimination complaints will be referred to Fair Housing Advocates of Northern Marin, the Marin Housing Authority, Legal Aid, HUD, or the California Department of Fair Employment and Housing, as appropriate. Information regarding the housing discrimination complaint referral process will be posted on the Town's website. Encourage FHANC to conduct fair housing testing in Tiburon.

*Responsibility:* Community Development Department, Town Manager

*Financing:* Staff time, General Fund

*Objectives:* Implementation of Fair Housing laws

*Timeframe:* Ongoing. Post information on the Town's website and reach out to FHANC by the end of 2023.

- H-q Reasonable Accommodation.**

1. Amend the Zoning Code to allow ministerial, staff-level review and approval of minor exterior alterations, such as construction of elevators and ramps, and to provide objective standards to make findings regarding "potential impacts on surrounding uses" and "physical attributes of the property and structures" (subsection A.5 and A.6 of TMC Section 16-90-060).
2. Post information on the Town's website regarding reasonable accommodation procedures and instructions for submitting accommodation requests.

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*Responsibility:* Community Development Department, Town Manager

*Financing:* Staff time, General Fund

*Objectives:* Implementation of Fair Housing laws

*Timeframe:* By the end of 2024

### Goal H-B

**Provide housing for special needs populations that is coordinated with support services.**

#### Policies

- H-B1 Provision of Affordable Housing for Special Needs Households.** Provide opportunities through affordable housing programs for a variety of housing types and affordability levels to be constructed or acquired for special needs groups, including assisted housing and licensed board and care facilities.
- H-B2 Health and Human Services Programs Linkages.** Support housing that incorporates facilities and services to meet the health care, transit or social service needs of extremely low-income households and persons, and persons living with disabilities. As appropriate to its role, the Town will assist service providers to link together services serving special needs populations to provide the most effective response to homelessness or persons at risk of homelessness, youth needs, seniors, persons with mental or physical disabilities, substance abuse problems, HIV/AIDS, physical and developmental disabilities, multiple diagnoses, veterans, victims of domestic violence, and other economically challenged or underemployed workers.
- H-B3 Density Bonuses for Special Needs Housing.** The Town will use density bonuses to assist in meeting special housing needs, housing for lower income elderly and disabled.
- H-B4 Countywide Efforts to Address Housing for the Homeless.** In recognition that there is a lack of resources to set up separate systems of care for different groups of people, including homeless-specific services for the homeless or people “at risk” of becoming homeless, local governments in Marin must coordinate efforts to develop a fully integrated approach for the broader low-income population. The Town will support countywide programs Marin County Continuum of Care<sup>36</sup> actions for the homeless including emergency shelter, transitional housing, supportive housing, and permanent housing.
- H-B5 Emergency Shelter Facilities Located in Tiburon.** The Town of Tiburon recognizes the need for and desirability of emergency shelter housing for the homeless and will allow a year-round emergency shelter as a permitted use in commercial zones as established in the Zoning

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<sup>36</sup> The Department of Housing and Urban Development (HUD) allocates HUD homeless assistance grants to organizations that participate in local homeless assistance program planning networks. Each of these networks is called a Continuum of Care. HUD introduced the concept to encourage and support local organizations in coordinating their efforts to address housing and homeless issues. The Marin County Continuum of Care is operated through the County's Health and Human Services Agency.

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Ordinance.<sup>37</sup> In addition, the following would apply:

1. The Town will encourage positive relations between neighborhoods and providers of permanent or temporary emergency shelters. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs within their neighborhoods and, when necessary, work with the Town or a designated agency to resolve disputes.
2. It is recommended that a staff person from the provider agency be designated as a contact person with the community to review questions or comments from the neighborhood.

**H-B6 Adaptable/Accessible Units for the Disabled.** The Town will ensure that new multi-family housing includes units that are accessible and adaptable for use by disabled persons in conformance with the California Building Code. This will include ways to promote housing design strategies to allow seniors to “age in place.”

**H-B7 Transitional and Supportive Housing.** The Town of Tiburon recognizes the need for and desirability of transitional and supportive housing and will treat transitional and supportive housing as a residential use that will be subject only to the same restrictions that apply to other residential uses of the same type in the same zone.

**H-B8 Emergency Housing Assistance.** Participate and allocate funds, as appropriate, for County and non-profit programs providing disaster preparedness and emergency shelter and related counseling services.

### Implementing Programs

**H-r Provision of Affordable Housing for Special Needs Households.** Continue to facilitate programs and projects which meet federal, state, and local requirements to provide accessibility for seniors, persons with disabilities, including developmental disabilities, large families, and single-person and single parent households. Apply current inclusionary housing provisions that require 10% of new units to be designed for special needs households. Specific types of housing include:

1. Smaller, affordable residential units, especially for lower income single-person and single parent households.
2. Affordable senior housing to meet the burgeoning needs of an aging population, including assisted housing and board and care (licensed facilities).
3. Affordable units with three or more bedrooms for large family households.
4. Affordable housing that is built for, or can easily and inexpensively be

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<sup>37</sup> Standards for Emergency Shelters consistent with SB2 are contained in Municipal Code Section 16-40.060 - Emergency Shelters.

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adapted for, use by people with disabilities (specific standards are established in California Title 24 Accessibility Regulations for new and rehabilitation projects, augmented by Americans with Disabilities Act guidelines) and people with developmental disabilities.

*Responsibility:* Town Council, Community Development Department

*Financing:* Staff time.

*Objectives:* Construction of at least 50 housing units for people with special needs.

*Timeframe:* Ongoing

- H-s Emergency Housing Assistance.** Actively engage with other jurisdictions in Marin to provide additional housing and other options for the homeless, supporting and implementing Continuum of Care actions in response to the needs of homeless families and individuals. Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services.

*Responsibility:* Town Manager, Town Council, Community Development Department

*Financing:* Affordable Housing Fund

*Objectives:* Respond to requests for assistance

*Timeframe:* Attend Marin County Council of Mayors and Councilmembers (MCCMC) Elected Officials Homeless Subcommittee meetings at least four times per year; consider funding requests during Town's budget setting process.

- H-t Provide 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.

*Responsibility:* Town Manager, Town Council

*Financing:* Staff time

*Objectives:* Provide housing assistance to 5 percent of Town employees

*Timeframe:* Ongoing

### Goal H-C

#### Protect and conserve the existing housing stock and mix of unit types.

#### Policies

- H-C1 Support Housing Conservation and Affordability.** Pursue funding for conservation and rehabilitation of existing housing to preserve neighborhood character and retain the supply of affordable housing units.
- H-C2 Condominium Conversions.** Except for limited equity cooperatives and other innovative housing proposals which are affordable to lower income households, the Town will prohibit

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conversion of existing multi-family rental dwellings to market rate condominium units unless the Town's rental vacancy rate is above 4.5 percent.

- H-C3 Protection of Existing Affordable Housing.** Ensure that affordable housing provided through governmental subsidy programs, incentives and deed restrictions remains affordable, and intervene when necessary to help preserve such housing.
- H-C4 Preserve "Old Tiburon" Housing.** Limit the loss of housing units in "Old Tiburon" through conversion of existing two-family or multi-family dwellings into single-family dwellings or buildings containing fewer units.<sup>38</sup>
- H-C5 Rental Assistance Programs.** Continue to publicize and create opportunities for using available rental assistance programs for extremely low, very low and low income households in coordination with the Marin Housing Authority (MHA).
- H-C6 Reconstruction at Existing Densities.** Protect and preserve housing units by granting density bonuses that allow the re-establishment of housing developments containing affordable housing units (regardless of the current General Plan density limit for the site) at the pre-existing density, in the event that such developments are damaged or destroyed by fire, earthquake, or similar disaster.
- H-C7 Preserve the Housing Stock.** In order to protect and conserve the housing stock, the Town will, to the extent permitted by law, prohibit the conversion of residential units to other uses and regulate the conversion of rental developments to non-residential uses unless there is a clear public benefit or equivalent housing can be provided.
- H-C8 Maintenance and Management of Quality Housing.** Support good management practices and the long-term maintenance and improvement of existing housing through housing and building code enforcement, rehabilitation programs for viable older housing, and long-term maintenance and improvement of neighborhoods.
- H-C9 Energy and Resource Conservation.** Promote development and construction standards that conserve resources and encourage housing types and designs that use cost-effective energy and resource conservation measures (water, electricity, etc.) and therefore cost less to operate over time, supporting long-term housing affordability for occupants.
- H-C10 Resale Controls to Maintain Affordability.** Continue to impose resale controls and rent and income restrictions to the maximum extent possible (at least 55 years) to ensure that affordable housing, provided through zoning and other government incentives and/or as a condition of development approval, remains affordable over time to the income group for which it is intended. The Town will implement long-term or in-perpetuity agreements and/or deed restrictions with owners and/or developers to govern the affordability of such units. This

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<sup>38</sup> This modification is contained in the Zoning Ordinance, which requires a conditional use permit for conversion to fewer units.

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assurance will be provided through recorded agreements and by monitoring their continuing affordability, or other equally effective means.<sup>39</sup>

### Implementing Programs

**H-u Rehabilitation Loan Programs.** In cooperation with the Marin Housing Authority (MHA), improve citizen awareness of rehabilitation loan programs. Utilize the Town’s website, newsletter, social media, and counter handout to publicize programs.

*Responsibility:* Community Development Department, MHA

*Financing:* MHA

*Objectives:* Facilitate rehabilitation loans for 3 low-income households

*Timeframe:* Update the Town’s website by the end of 2023 and update and publicize annually thereafter.

**H-v Conduct Residential Building Report Inspections.** The Town will continue to inspect and report on all residential units prior to resale, with the intent to maintain and upgrade the safety of housing within the town consistent with adopted Building Codes. In addition to health and safety concerns, the residential building report discloses the authorized use, occupancy and zoning of the property and an itemization of deficiencies in the dwelling unit.

*Responsibility:* Building Division

*Financing:* General Fund through fee charged for residential building report inspections

*Objectives:* Complete Residential Building Reports for all housing units prior to resale

*Timeframe:* Ongoing

**H-w Rental Assistance Programs.** Continue to publicize and participate in rental assistance programs such as Section 8 Housing Choice Vouchers in coordination with the Marin Housing Authority (MHA). Utilize the Town’s website, newsletter, social media, and handouts to publicize programs. Provide multilingual links to the California Department of Fair Employment and Housing’s [Sources of Income Fact Sheet](#) and [FAQ](#) and printed materials. Collaborate with at least two other organizations, schools, or agencies to post handouts at their locations.

*Responsibility:* Community Development Department, Marin Housing Authority

*Financing:* Staff time

*Objectives:* Publicity and increased use of Section 8 vouchers

*Timeframe:* Update website and distribute handouts by 2024. Dedicate one newsletter each year to promote the Housing Choice Voucher program and fair

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<sup>39</sup> The Marin Housing Authority is the agency designated to administer inclusionary housing programs on behalf of the Town, although the Town has flexibility to designate another agency or entity.

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housing laws.

- H-x Condominium Conversions.** Preserve rental housing by enforcement through the Town's condominium conversion ordinance and Housing Element policy.<sup>40</sup>

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Protection of the Town's rental housing stock.

*Timeframe:* Ongoing

- H-y 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:* 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.

- H-z Tenant Protection Strategies.** Work with the County of Marin and other Marin jurisdictions to develop strategies that protect tenants from rapidly rising rents and displacement. These may include:

- **Rent stabilization:** Currently, the State imposes rent caps on some residential rental properties (AB 1482) through 2030. Consider adopting a permanent policy and/or expansion to units not covered by AB 1482, as permitted by law.
- **Just cause for eviction:** AB 1482 also establishes a specific set of reasons that a tenancy can be terminated. These include: 1) default in rent payment; 2) breach of lease term; 3) nuisance activity or waste; 4) criminal activity; 5) subletting without permission; 6) refusal to provide access; 7) failure to vacate; 8) refusal to sign lease; and 9) unlawful purpose. Consider expanding on these protections or extending if State protections expire.
- **Local relocation assistance:** Consider developing a countywide relocation assistance program that provides greater relocation assistance to special needs groups (e.g., seniors, disabled, female-headed households) and reasonable accommodation for persons with disabilities.

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<sup>40</sup> See 16-52.050 - Condominium Use Permit

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- **Right to Purchase:** When tenants are being evicted due to condominium conversion or redevelopment, offer first right to purchase to displaced tenants to purchase the units.
- **Right to Return:** When tenants are being evicted due to rehabilitation/renovation of the property, offer first right to displaced tenants to return to the improved property.
- **Tenant Bill of Rights:** Adopt a tenant’s bill of rights that considers extending protections for subletters and family members and addresses severe habitability issues and market pressures. This provision could also provide anti-retaliation protection for tenants that assert their rights and a right to legal representation in the case of evictions.

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 recommendation and Town Council adoption in 2025.

*Responsibility:* Community Development Department

*Financing:* Regional Early Action Planning (REAP) grants; staff time

*Objectives:* Exploration of and possible action on tenant protection strategies

*Timeframe:* Develop options with Marin jurisdictions in 2024 and adopt ordinance in 2025.

**H-aa Link Code Enforcement with Public Information Programs on Town Standards and Rehabilitation and Energy Loan Programs.** Implement housing, building, and fire code enforcement to ensure compliance with basic health and safety building standards and provide information about rehabilitation loan programs for use by qualifying property owners who are cited. Specific actions include:

1. Coordinate with the Marin Housing Authority and utility providers to publicize available loan programs to eligible owner and renter-occupied housing.
2. Provide public information on alternative energy technologies for residential developers, contractors, and property owners.
3. Publicize tenant assistance and energy conservation programs that are

## 5.0 GOALS, POLICIES, AND PROGRAMS

available to provide subsidized or at-cost inspection and corrective action.

4. Provide an informational guide to homeowners explaining the benefits, “best practices” and procedures for adding or legalizing a secondary dwelling unit.

*Responsibility:* Community Development Department, Marin Housing Authority, PG&E, and MCE

*Financing:* General Fund

*Objectives:* Upgrades to the Town’s housing stock and compliance with codes.

*Timeframe:* Ongoing

**H-bb Provide Information on Energy Efficiency and Renewable Energy Programs.** Provide information on available energy efficiency, renewable energy, and decarbonization rebates, incentives, loans, and program, highlighting any programs that serve and/or provide deeper discounts for low-income households. Specific actions include:

1. Coordinate with the County of Marin, the Marin Climate & Energy Partnership, BayRen, and utility providers to identify, fund, design, and publicize programs.
2. Utilize the Town’s website, newsletter, social media, and counter handouts to provide information on alternative energy technologies for residential developers, contractors, and property owners.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Upgrades to the Town’s housing stock.

*Timeframe:* Ongoing with annual social media and newsletter campaign.

### Goal H-D

**Facilitate the development of new infill housing in Downtown Tiburon and on identified underutilized sites throughout the Town that are close to services and transit. Continue to encourage accessory dwelling units to provide additional housing opportunities throughout established neighborhoods.**

### Policies

**H-D1 Variety of Housing Choices.** In response to the broad range of housing needs in Tiburon, the Town will strive to achieve a mix of housing types, densities, affordability levels and designs. This will include an adequate supply and variety of housing opportunities to meet the needs of Tiburon’s workforce and their families, striving to match housing types and affordability with household income. The Town will work with developers of non-traditional and innovative housing approaches in financing, design, construction, and types of housing that meet local housing needs. Housing opportunities for families with children should not be limited because necessary facilities are not provided on site.

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- H-D2 New Affordable Housing.** Facilitate the design, approval, and construction of affordable housing projects using a variety of mechanisms, including mixed-use development incentives, inclusionary zoning, density bonus programs, affordable housing overlay zones, and creation of accessory dwelling units.
- H-D3 Key Housing Opportunity Sites.** Given the diminishing availability of developable land, the Town will identify housing opportunity areas and sites where a special effort will be made to provide workforce and special needs affordable housing. The Town will take specific actions to promote the development of affordable housing units on these sites (identified in the Implementing Programs).
- H-D4 Mixed Use Infill Housing.** The Town will encourage well-designed mixed-use developments (residential mixed with other uses) where residential use is appropriate to the setting. The Town will develop incentives to encourage mixed use development in appropriate locations, such as in and near to the downtown that are in proximity to transit and services and would support downtown businesses.
- H-D5 Redevelopment of Commercial Shopping Areas and Sites.** The Town will encourage the development of housing in conjunction with the redevelopment of commercial shopping areas and sites when it occurs.
- H-D6 Density Bonuses and Other Incentives for Affordable Housing Developments.** The Town will use density bonuses and other incentives to help achieve housing goals, including provisions consistent with State Density Bonus Law.<sup>41</sup>
- H-D7 Retention and Expansion of Multifamily Sites at Medium and Higher Density.** The Town will strive to protect and expand the supply and availability of multifamily and mixed use infill housing sites for housing. The Town will not re-designate or rezone residential land for other uses or to lower densities without re-designating equivalent land for higher density multifamily development.
- H-D9 Accessory Dwelling Units.** Encourage the construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as an important way to provide affordable rental housing opportunities, especially for senior households, single persons, single parents, and young households.

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<sup>41</sup> State density bonus law, Government Code Section 65915, was first enacted in 1979. The law requires local governments to provide density bonuses and other incentives to developers of affordable housing who commit to providing a certain percentage of dwelling units to persons whose incomes do not exceed specific thresholds. Cities also must provide bonuses to certain developers of senior housing developments, and in response to certain donations of land and the inclusion of childcare centers in some developments. Essentially, state density bonus law establishes that a residential project of five or more units that provides affordable or senior housing at specific affordability levels may be eligible for a “density bonus” to allow more dwelling units than otherwise allowed on the site by the applicable General Plan Land Use Map and Zoning. The density bonus may be approved only in conjunction with a development permit (i.e., tentative map, parcel map, use permit or design review). Under State law, a jurisdiction must provide a density bonus, and concessions and incentives granted at the applicant’s request based on specific criteria.

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**H-D11 Inclusionary Housing Requirements.** Implement the Town’s inclusionary housing provisions to generate affordable housing units and in-lieu fees that can be effectively used to support affordable housing projects on less constrained housing opportunity sites.

### Implementation Programs

**H-cc 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:

1. Meet with non-profit housing developers and property owners of Sites 1-9 to identify housing development opportunities, issues, and needs during 2023.
2. Select the most viable sites during 2023 and 2024.
3. Undertake community outreach in coordination with potential developers and property owners during 2023 and 2024.
4. Complete site planning studies, continued community outreach, and regulatory approvals in coordination with the development application.
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.
6. Require affordable units to be affirmatively marketed to communities of color and protected classes. Utilize publications, venues, and community groups that serve Black and Latinx communities, especially outside of Marin County.
7. Provide funding from the Town’s Low and Moderate Income Housing fund for affordable housing developments.
8. Regarding Site 5, work closely with the City of Belvedere to streamline, facilitate, and expedite planning and building permit applications, review, and approval. Work with the City of Belvedere to appoint a joint project manager and conduct joint design review board, planning commission and city/town council meetings, as applicable, when reviewing and approving development plans.

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

*Financing:* General Fund, Redevelopment Set-Aside, other funding

*Objectives:* Encourage development of 297 units affordable to lower-income households on housing opportunity sites 1-9

*Timeframe:* Actions as identified above and development of housing sites by 2030

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### **H-dd 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.
2. Amend the Inclusionary Housing Ordinance to include an option to satisfy the inclusionary requirement through provision of units affordable to extremely low-income households.

*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:* Amend the Inclusionary Housing Ordinance within one year of Housing Element adoption.

### **H-ee Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law.**

Offer density bonuses consistent with the State Density Bonus Law.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Application of State Density Bonus law

*Timeframe:* Ongoing

### **H-ff Design of Multifamily Housing.** Conduct design review to assure excellence of design in new multifamily housing development and utilize objective design and development standards for applicable projects.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* Development of well-designed multifamily housing

*Timeframe:* Ongoing

### **H-gg 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 [ADUMarin](#) website.
2. Provide ADU and JADU application checklists on the Town's website.

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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 application fee.
8. Amend the ADU Ordinance to comply with state law.
9. [Host virtual and in-person community workshops for development of ADUs.](#)
- 8-10. [In 2026, evaluate the number of ADUs approved and built to ensure that the Town's development standards and permitting procedures are facilitating ADU development. If necessary, the Town will adopt amendments to the ADU ordinance.](#)

*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. Amend the ADU Ordinance by July 2023 and within six months of future state legislation amending state ADU law. [Host virtual and in-person community workshops in 2024 and biennially thereafter. Evaluate ADU production in 2026 and as necessary revise the ADU ordinance within six months of the completed evaluation.](#)

- H-hh Track and Evaluate Accessory Dwelling Unit Production.** Continue to track ADU and JADU permits, construction, and affordability levels. Review ADU and JADU development at the mid-point of the planning cycle to determine if production estimates are being achieved as identified in the housing site inventory. Depending on the findings of the review, revise the housing sites inventory to ensure adequate sites are available to accommodate the remaining lower income housing need.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* 72 new ADUs and JADUs by 2030 with affordability levels as follows: 21 very low, 21 low, 21 moderate, and 9 above moderate

*Timeframe:* Ongoing tracking and mid-point planning cycle review by June 2027

- H-ii 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,

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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;
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-jj Identify Additional Housing Opportunity Sites.** In an effort to improve housing mobility and provide housing opportunities distributed throughout Tiburon, the Town will identify and rezone, ~~as necessary,~~ additional housing opportunity sites for lower-income households outside the Downtown. Potential sites include, but are not limited to, the Cove Shopping Center and the Tiburon Baptist Church site if the property owners indicate interest in redeveloping or adding housing to their 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.

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

*Financing:* General Fund

*Objectives:* Conduct outreach to property owners by 2027 to identify potential sites to create additional housing opportunities for lower income households. 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-kk 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.

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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.

- H-II Rezone 4576 Paradise Drive.** Rezone 4576 Paradise Drive to R-3-10 and require a minimum density of 10 units per acre.

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

*Financing:* Staff time

*Objectives:* Development of 93 market rate units.

*Timeframe:* Rezone by January 31, 2024.

- H-mm 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-nn 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).

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*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 Facilitate and Promote SB 9 Development.** To improve housing mobility and new housing choices in low-density and high-income areas throughout Tiburon, the Town will take the following actions to facilitate "missing middle" development by intensifying development opportunities on single family lots. Encourage and facilitate SB 9 development on qualifying single-family lots to provide additional housing opportunities. Take:

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 and to all property owners of vacant single-family lots.
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.
- 6-7. Host virtual and in-person community workshops for development of SB 9 units.
- 7-8. In 2026, evaluate the number of SB 9 units approved and built to ensure that the Town's development standards and permitting procedures are facilitating SB 9 development. If necessary, the Town will adopt amendments to the SB 9 development standards and permit review and approval process.

*Responsibility:* Community Development Department

*Financing:* General Fund

*Objectives:* 27 market rate SB 9 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. Host virtual and in-person community workshops in 2024 and biennially thereafter. Evaluate SB 9 unit production in 2026 and as necessary revise development standards and permitting procedures within 6 months of the completed evaluation.

**H-pp Permit Processing Timeline Review.** By January 2027, complete a review of the decision timelines of applications for new residential units processed since the adoption of the housing element. If the decisions do not conform to the Permit Streamlining Act or take longer than one year for approval, the Town shall revise its permit processing procedures within six months to further streamline the permitting process to reach the one-year goal and ensure compliance with State

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law. As part of this process, the Town will contact area developers including past project applicants to identify any constraints to the current process.

Responsibility: Community Development Department

Financing: General Fund

Objectives: Process new residential development applications within one year of determination of a complete application.

Timeframe: Complete review by January 2027. Subsequently, revise permit processing procedures within six months if needed.

### 5.4 AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

The Housing Element must include an identification and prioritization of significant contributing factors to segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs. Contributing factors are described in detail in Appendix D and summarized below in descending order of priority, along with the Housing Element programs that address them.

#### LACK OF FAIR HOUSING TESTING, EDUCATION, AND OUTREACH

The AFFH analysis determines that the Town lacks information on fair housing law and discrimination complaint filing procedures on the Town website. Current outreach practices may not provide sufficient information related to fair housing, including federal and state fair housing law, and affordable housing opportunities. Cost burdened households may be unaware of affordable housing opportunities. The Town also lacks sufficient education and outreach related to reasonable accommodation and ADA laws. Further, while fair housing testing was conducted in the County, fair housing tests in Tiburon may be insufficient for monitoring housing discrimination.

#### *Contributing Factors*

- Lack of fair housing testing/monitoring
- Lack of targeted outreach

#### *Housing Element Programs to Address Contributing Factors*

The Housing Element contains programs to provide information to residents, landlords, and prospective tenants on fair housing laws, including source of income laws, through the Town's communication channels, including the newsletter, website, social media, counter handouts, and tabling at community events. Programs include *H-a Improve Community Awareness of Housing Needs, Issues*; *H-p Housing Discrimination Complaints*; *H-q Reasonable Accommodation*; *H-w Rental Assistance Programs*; and *H-gg Facilitate and Promote Accessory Dwelling Unit Development*. Program H-p also directs the Town to encourage Fair Housing Advocates of Northern California to conduct fair housing testing in Tiburon.

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### DISPARITIES IN HOME OWNERSHIP RATES AND POTENTIAL DISCRIMINATION IN HOME SALES MARKET

The AFFH analysis identifies some potential for discrimination in the home loan application process. although the race/ethnicity of nearly one-quarter of the applicants was unknown. The analysis finds that the Whites are 81.6% of the population in Tiburon, and the Hispanic/Latino, two or more races, and Asian populations make up the second, third, and fourth largest racial/ethnic populations in the Town. A majority of Asian/API, Black/African American, Hispanic/Latinx, and other/multiple race households are renter households, compared to only 29.3 percent of non-Hispanic White households. Asian and Hispanic owner-occupied households are also cost burdened at the highest rates.

#### *Contributing Factors*

- Lack of fair housing testing/monitoring
- Availability of affordable housing

#### *Housing Element Programs to Address Contributing Factors*

Program *H-p Housing Discrimination Complaints* directs the Town to encourage Fair Housing Advocates of Northern California to conduct fair housing testing in Tiburon. The Housing Element contains several programs to increase the availability of affordable housing in Tiburon, including programs *H-l Redevelopment Funding*; *Program H-m Work with Non-Profits on Housing*; *Program H-r Provision of Affordable Housing for Special Needs Households*; *Program H-ee Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law*; *H-cc Work with Non-Profits and Property Owners on Housing Opportunity Sites*; *H-dd Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinances*; and *H-gg Facilitate and Promote Accessory Dwelling Unit Development*.

### COMMUNITY OPPOSITION TO AFFORDABLE HOUSING

The AFFH analysis finds community opposition to housing development remains the number one barrier to housing development in Marin County. Community resistance to development includes concerns about traffic congestion; a desire for the preservation of open spaces; loss of local control; and the impact on schools. Resistance to affordable housing is most prevalent in White neighborhoods in Marin County.

The housing opportunity sites identified in the Housing Element were extensively vetted by the community and supported by a majority of residents. Nonetheless, there was significant opposition to the proposed housing sites and densities.

#### *Contributing Factors*

- Availability of affordable housing in all areas of the Town
- Community concern about housing densities, traffic impacts on Tiburon Boulevard, water availability, and school capacity

#### *Housing Element Programs to Address Contributing Factors*

The Housing Element contains several programs to increase the availability of affordable housing in Tiburon, including programs *H-m Redevelopment Funding*; *Program H-m Work with Non-Profits on*

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*Housing; Program H-r Provisions of Affordable Housing for Special Needs Households; Program H-ee Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law; H-cc Work with Non-Profits and Property Owners on Housing Opportunity Sites; H-dd Implement Affordable Housing Overlay Zone and Inclusionary Housing Ordinances; and H-gg Facilitate and Promote Accessory Dwelling Unit Development.* In addition, the Housing Element contains programs to foster community support for housing development including *H-a Improve Community Awareness of Housing Needs, Issues, and Program H-b Community Outreach when Implementing Housing Element Programs.*

### SUBSTANDARD HOUSING CONDITIONS

The AFFH analysis states that 85 percent of the Town’s housing stock is older than 30 years, and 54% is over 50 years old. Although the Town’s housing stock is older, it is generally in excellent condition. Due to the high real estate value in Tiburon, properties, especially single-family houses, are generally well-maintained. According to the Town’s Planning & Building department, approximately 120-150 apartments are in need of rehabilitation, and no housing units are in need of replacement. Cost of repairs can be prohibitive, especially for low-income households.

#### *Contributing Factors*

- Age of housing stock
- Cost of repairs or rehabilitation

#### *Housing Element Programs to Address Contributing Factors*

The Housing Element contains programs to promote available rehabilitation loans to lower income households. Programs include *H-u Rehabilitation Loan Programs* and *H-aa Link Code Enforcement with Public Information Programs on Town Standards and Rehabilitation and Energy Loan Programs.*

### AFFH ACTION MATRIX

Programs to affirmatively further fair housing are organized by Action Areas in Table 23. These are as follows:

- Enhance housing mobility strategies.
- Encourage development of new affordable housing in high resource areas.
- Improve place-based strategies to encourage community conservation and revitalization, including preservation of existing affordable housing.
- Protect existing residents from displacement.
- Conduct fair housing outreach and education

Additional details on programs identified in Table 24 can be found in Section 5.3 Housing Goals, Policies, and Programs.

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Table 24: AFFH Action Matrix

Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
<b>Action Area: Housing Mobility</b>				
H-jj Identify Additional Housing Opportunity Sites	In an effort to improve housing mobility and provide housing opportunities distributed throughout Tiburon, the Town will identify and rezone, <del>as appropriate</del> , additional housing opportunity sites for lower-income households outside the Downtown. Potential sites include, but are not limited to, the Cove Shopping Center and the Tiburon Baptist Church sites.	<u>Conduct outreach to property owners by 2027 to identify potential sites to create additional housing opportunities for lower income households.</u> As property owners express interest in developing or redeveloping their property. Complete rezonings within one year of planning application.	Sites outside the Downtown that are suitable for lower-income housing and are:  1. Over ½ acre and under 10 acres  2, Are zoned for at least 20 units per acre  3. Are vacant, or if not vacant, are likely to be developed during the planning period	Provide <del>100-30</del> housing opportunities for lower-income and special needs populations.
H-a Improve Community Awareness of Housing Needs, Issues, and Programs  and  H-w Rental Assistance Programs	Provide information and promote programs and resources for affordable housing, Housing Choice vouchers, rental assistance, reasonable accommodation, and fair housing laws. Utilize the Town’s website, newsletter, social media and counter handouts. Distribute information at public locations and homeowners’ associations, property managers and owners, and other community groups. Provide multilingual links to the California Dept. of Fair Employment and Housing’s <a href="#">Sources of Income Fact Sheet</a> and	Update website and distribute handouts and brochures by 2024. Dedicate one Town newsletter each year to promote housing programs and resources and educate community members on Housing Choice vouchers and fair housing laws.	Town-wide	Increase Housing Choice Voucher use by 20% over the course of the planning period (currently 23).  Increase Town newsletter circulation by 20% (currently over 800 households).  Track website traffic to dedicated webpage and revise

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Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
	<p><a href="#">FAQ</a> and printed materials. Collaborate with at least two other organization, schools, or agencies to post handouts at their locations.</p>			<p>page as necessary to increase traffic.</p>
<p>H-gg Facilitate and Promote Accessory Dwelling Unit Development</p>	<p>Encourage and facilitate ADU and JADU development to provide additional housing opportunities throughout established neighborhoods. Take the following actions:</p> <ol style="list-style-type: none"> <li>1. Provide information on Tiburon’s ADU standards for posting on the MarinADU website.</li> <li>2. Provide ADU and JADU application checklists on the Town’s website.</li> <li>3. Develop a handout on ADU standards and the application process and distribute at Town Hall.</li> <li>4. Provide links to the California Department of Fair Employment and Housing’s <a href="#">Sources of Income Fact Sheet</a> and <a href="#">FAQ</a> in Town communications and printed handouts at the building counter. Provide handouts to ADU permit applicants.</li> <li>5. Promote the MarinADU website in the Town’s newsletter and ADU handout, on social media, and on the Town’s website.</li> <li>6. Establish an ADU specialist in the Community Development Department.</li> <li>7. Reduce the ADU application fee.</li> <li>8. Amend the ADU Ordinance to comply with state law.</li> </ol>	<p>Develop new materials, update the Town’s website, and provide counter handouts by the end of 2023. Update and publicize annually thereafter. <a href="#">Conduct virtual and in-person workshops in 2024 and biennially thereafter. Evaluate ADU production in 2026 and as necessary revise the ADU ordinance within six months of the completed evaluation.</a></p>	<p>Town-wide</p>	<p>Develop <a href="#">72-30</a> new ADUs and JADUs <a href="#">in high-resource areas</a> by the end of 2030 <a href="#">in addition to the 72 units identified in Table 11.</a></p>

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Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
	<p><u>9. Conduct community workshops on ADU development.</u></p> <p><u>8-10. In 2026, evaluate the number of ADUs approved and built to ensure that the Town’s development standards and permitting procedures are facilitating ADU development. If necessary, the Town will adopt amendments to the ADU ordinance.</u></p>			
<p>H-oo Facilitate and Promote SB 9 Development</p>	<p><u>To improve housing mobility and new housing choices in low-density and high-income areas throughout Tiburon, the Town will take the following actions to facilitate “missing middle” development by intensifying development opportunities on single family lots, Encourage and facilitate SB 9 development on qualifying single-family lots to provide additional housing opportunities. Take the following actions:</u></p> <ol style="list-style-type: none"> <li>1. Provide information on Tiburon’s SB 9 standards.</li> <li>2. Provide SB 9 application checklists on the Town’s website.</li> <li>3. Develop a handout on SB 9 standards and the application process and distribute at Town Hall and to all property owners of vacant single-family lots.</li> <li>4. Promote SB 9 potential in the Town’s newsletter and SB 9 handout, on social media, and on the Town’s website.</li> <li>5. Establish an SB 9 specialist in the Community Development Department.</li> </ol>	<p>Develop new materials, update the Town’s website, and provide/mail counter handouts by the end of 2023. Update and publicize annually thereafter. Adopt ordinance by December 1, 2023. <u>Host virtual and in-person community workshops in 2024 and biennially thereafter. Evaluate SB 9 unit production in 2026 and as necessary revise development standards and permitting procedures within six months of the completed evaluation.</u></p>	<p>Single-family homeowners townwide with specific targeting of property owners of vacant single-family parcels.</p>	<p>Develop <u>27-10</u> SB 9 units in <u>high-resource areas</u> by the end of 2030 <u>in addition to the SB 9 units identified in Table 11 and Appendix C.</u></p>

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Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
	<p><u>6.</u> Adopt an ordinance to increase the maximum unit size from 800 square feet to 1,000 square feet.</p> <p><u>6-7.</u> Host virtual and in-person community workshops for development of SB 9 units.</p> <p><u>7-8.</u> In 2026, evaluate the number of SB 9 units approved and built to ensure that the Town’s development standards and permitting procedures are facilitating SB 9 development. If necessary, the Town will adopt amendments to the SB 9 development standards and permit review and approval process.</p>			
<p><u>Housing Mobility Programs</u></p>	<p>To improve housing mobility and new housing choices in areas throughout the Town, a suite of actions will be employed and targeted outside the multifamily sites listed in the Site Inventory, with an overall goal of 50 housing opportunities affordable to lower income households in the planning period. Actions include:</p> <p><u>1. Homesharing.</u> The Town will support a homesharing program and assist in matching tenants with existing homeowners. The Town will obtain and distribute brochures from a local non-profit homesharing program, provide information on the Town’s website, and dedicate one Town newsletter each year to promote home match service programs</p>	<p><u>1. Homesharing.</u> Complete 2 matches per year, for a total of 15 matches during the planning period. Update the Town’s website and distribute handouts and brochures by 2024. Dedicate one Town newsletter each year to promote home match programs.</p> <p><u>2. Alternative Land Use Strategies.</u> Conduct outreach to property owners by 2027 to identify potential sites to create additional housing opportunities for lower income households. Rezone properties within one year of rezoning application.</p>	<p>Areas outside multifamily sites listed in the Site Inventory</p>	<p>Create 50 housing opportunities affordable to lower income households in high-resource areas in the planning period.</p>

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Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
	<p><u>2. Alternative Land Use Strategies. The Town will identify additional housing opportunity sites including religious institutions and sites with existing buildings nearing end of their useful life or in need of substantial repair or redevelopment. The Town will work closely with property owners, housing developers, the community and other stakeholders to identify housing development opportunities and, as necessary, undertake rezoning actions to facilitate a variety of housing choices.</u></p> <p><u>3. Affirmative Marketing. The Town will require affordable housing projects and market-rate projects with affordable inclusionary units to conduct a targeted marketing program for affordable units. Require affordable units to be affirmatively marketed to communities of color and protected classes. Utilize publications, venues, and community groups, such as Canal Alliance, that serve Black and Hispanic/Latinx communities, including those outside of Marin County. The targeted marketing plan will consider regional housing registries and ensure marketing materials for new developments are designed to attract renters and buyers of diverse demographics, including persons of any race, ethnicity, income, disability and familial status.</u></p>	<p><u>Create 30 new housing opportunities in the planning period.</u></p> <p><u>3. Affirmative Marketing. Require affordable housing projects and market-rate projects with affordable inclusionary units to conduct a targeted marketing program for affordable units whenever new units are constructed. The action will be applied to Site H, which is expected to yield 5 deed-restricted units affordable to lower-income households under the Town’s Inclusionary Ordinance.</u></p>		

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Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
	<p><u>4. Develop incentives or other strategies to promote housing choices and affordability in all developments throughout the Town.</u></p>			
<p><b>Action Area: New Housing Opportunities in High Resource Areas</b></p>				
<p>H-a Focus Town Resources on Housing Opportunity Sites <i>and</i> H-cc Work with Non-Profits and Property Owners on Housing Opportunity Sites</p>	<p>Focus Town resources toward the design, approval, financing, and construction of affordable housing on multifamily housing opportunity sites identified in the Tiburon Housing Element. 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. Require affordable units to be affirmatively marketed to communities of color and protected classes. Utilize publications, venues, and community groups that serve Black and Latinx communities, especially outside of Marin County.</p>	<ol style="list-style-type: none"> <li>1. Meet with non-profit housing developers and property owners of Sites 1-9 to identify housing development opportunities, issues, and needs during 2023.</li> <li>2. Select the most viable sites during 2023 and 2024.</li> <li>3. Undertake community outreach in coordination with potential developers and property owners during 2023 and 2024.</li> <li>4. Complete site planning studies, continued community outreach, and regulatory approvals in coordination with the development application.</li> <li>5. Facilitate development through regulatory incentives, reducing or waiving fees, fast track processing, lot consolidation, and assistance in development review.</li> </ol>	<p>Downtown and Reed School sites</p>	<p>Achieve 100% of lower income units in High Resource areas.</p>

5.0 GOALS, POLICIES, AND PROGRAMS

Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
H-e Provide Home Match Services	Work with home match service providers such as Home Match Marin to help match over-housed seniors with potential lower income tenants or other seniors to save on housing costs. Promote the program utilizing the Town’s website, newsletter, social media channels, and counter handouts.	Update website and distribute handouts and brochures by 2024. Dedicate one Town newsletter each year to promote home match programs.		Complete an average of 2 matches per year.
<b>Action Area: Place-based Strategies for Community Revitalization</b>				
H-u Rehabilitation Loan Programs and H-aa Link Code Enforcement with Public Information Programs on Town Standards and Rehabilitation and Energy Loan Programs.	In cooperation with the Marin Housing Authority (MHA), improve citizen awareness of rehabilitation loan programs. Utilize the Town’s website, newsletter, social media, and counter handout to publicize programs. Provide information on loan programs when conducting code enforcement.	Update the Town’s website by the end of 2023 and update and publicize annually thereafter.	Old Tiburon and areas where there are older single and two-family homes and condominiums.	Facilitate loans for three lower-income households by the end 2030.
Prioritize Infrastructure Improvements in Downtown	Prioritize infrastructure projects in the Downtown that encourage walking, bicycling, and transit use including sidewalks, crosswalks, bicycle lanes, bicycle storage, bus shelters, safety improvements, public transit and ferry schedule enhancements, and Safe Routes to School projects that connect the Downtown to local schools.	Annually beginning in 2024	Downtown	Implement projects identified the Town’s Bicycle and Pedestrian Plan, Climate Action Plan, and Capital Improvement Plan.
<b>Action Area: Tenant Protections and Anti-Displacement</b>				

5.0 GOALS, POLICIES, AND PROGRAMS

Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
H-z Tenant Protection Strategies	<p>Work with the County of Marin and other Marin jurisdictions to develop strategies that protect tenants from rapidly rising rents and displacement. These may include:</p> <ul style="list-style-type: none"> <li>▪ Rent stabilization</li> <li>▪ Just cause for eviction</li> <li>▪ Local relocation assistance</li> <li>▪ Right to Purchase</li> <li>▪ Right to Return</li> <li>▪ Tenant Bill of Rights</li> </ul>	Develop strategies with Marin jurisdictions in 2024 and adopt ordinance in 2025.	Town-wide	Ordinance adoption
Anti-Displacement Measures for Small Businesses	Provide targeted outreach to small businesses located on redeveloping properties. Aid small businesses that are displaced by assisting in the search for available areas to relocate in the Town.	Ongoing; triggered when a project application is received	Downtown	Retain local businesses and jobs to result in no net loss in jobs.
<b>Action Area: Fair Housing Outreach and Enforcement</b>				
H-a Improve Community Awareness of Housing Needs, Issues, and Programs	Provide information and promote programs on fair housing laws. Utilize the Town’s website, newsletter, counter handouts and distribute information at public locations and to homeowners’ associations, property managers and owners, and other community groups.	Update website and distribute handouts and brochures by 2024. Dedicate one Town newsletter each year to promote housing programs and resources and educate community members on fair housing laws.	Town-wide	Increase Town newsletter circulation by 10% (currently over 800 households).
H-p Housing Discrimination Complaints	Post information on the housing discrimination referral process on the Town’s website. Encourage Fair Housing Advocates of Northern California (FHANC) to conduct fair housing testing in Tiburon.	Reach out to FHANC by the end of 2023 and encourage them to conduct fair housing testing in Tiburon.	Town-wide	FHANC conducts biennial fair housing testing in Tiburon. Town receives annual report from FHANC describing fair housing testing actions.

5.0 GOALS, POLICIES, AND PROGRAMS

Programs	Specific Commitment	Timeline	Geographic Targeting	2023-2031 Metrics
H-q Reasonable Accommodation	Post information on the Town’s website regarding reasonable accommodation procedures and instructions for submitting accommodation requests.	Post information by the end of 2023.	Town-wide	10% increase in the number of reasonable accommodation requests.
H-w Rental Assistance Programs	Publicize and participate in rental assistance programs such as Section 8 Housing Choice Vouchers in coordination with the Marin Housing Authority (MHA). Utilize the Town’s website, newsletter, social media, and handouts to publicize programs. Provide multilingual links to the California Dept. of Fair Employment and Housing’s <a href="#">Sources of Income Fact Sheet</a> and <a href="#">FAQ</a> and printed materials. Collaborate with at least two other organization, schools, or agencies to post handouts at their locations.	Update website and distribute handouts and brochures by 2024. Dedicate one Town newsletter each year to promote Housing Choice vouchers and educate community members on fair housing laws.	Town-wide	Increase Housing Choice Voucher use by 20% over the course of the planning period (currently 23).
H-gg Facilitate and Promote Accessory Dwelling Unit Production	Educate landlords and tenants on fair housing laws related to ADUs. Provide links to the California Dept. of Fair Employment and Housing’s <a href="#">Sources of Income Fact Sheet</a> and <a href="#">FAQ</a> in Town communications and printed handouts at the building counter.	Update the Town’s website and provide counter handouts by the end of 2023. Update and publicize annually thereafter.	Town-wide	Develop 72 new ADUs and JADUs by the end of 2030.