



Draft Housing Element

Town Council
August 31, 2022

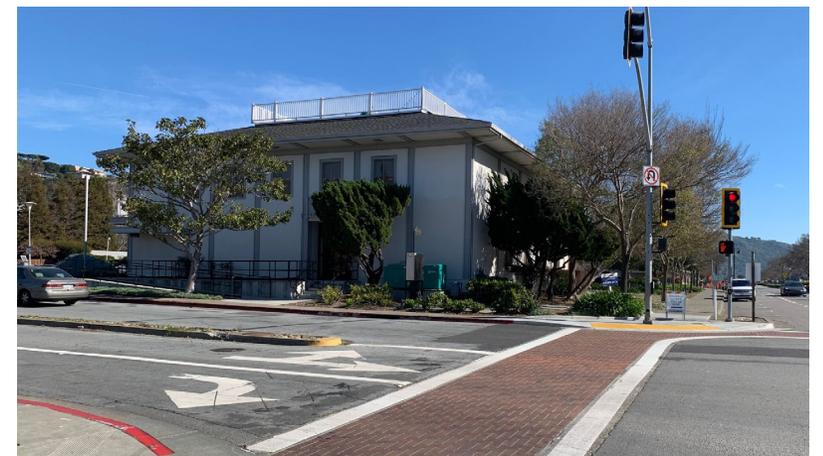
AGENDA

1. Criteria for Multifamily Sites to Address Very Low, Low and Moderate Income Need
2. Analysis of Potential Sites West of Trestle Glen
3. Site Inventory Alternatives
 - a. Reduce density of Downtown sites to reduce number of units and building height
 - b. Add potential units from vacant AHO portion of Cove Shopping Center site
4. Inclusion of language regarding rezoning and RHNA
5. Council Direction on Changes to Make to the Draft Housing Element in Order to Submit Draft to HCD for 90-Day Review Period

CRITERIA FOR MUTIFAMILY SITES TO
ADDRESS VERY LOW, LOW, AND
MODERATE INCOME NEED

SITES TO ACCOMMODATE VERY LOW AND LOW INCOME NEED

- At least 20 units/per acre. Example: 2-3 story multifamily building
- At least ½ acre
- Vacant preferred
- If non-vacant sites are used to accommodate 50% or more of RHNA for lower income need, then the Town must provide substantial evidence that use will likely be discontinued during the planning period. Substantial evidence includes:
 - Leases expire early in the planning period
 - Building is dilapidated or in need of replacement
 - Existing development agreement to redevelop the site
 - Property owner provides a letter stating their intention to develop the property with residences during the planning period



TIMELINE FOR REZONING MULTIFAMILY SITES NEEDED TO ACCOMMODATE RHNA SHORTFALL

- No requirement if rezoned before the Housing Element due date of January 31, 2023.
- If not, must allow multifamily development by right when proposed development contains at least 20% units affordable to lower income households. (sites 1-9)
- Must also allow 100% residential on all sites and require residential use to occupy at least 50% of the floor area of a project since we are accommodating more than 50% of our lower income need on sites designated for mixed use. (sites 1-7 and 9)
- Rezoning must occur within 3 years and 120 days from the beginning of the planning period (i.e., May 30, 2026).
- Penalty: Rezoning must occur within 1 year of the beginning of the planning period if Housing Element is not adopted AND found to be compliant by HCD by May 31, 2023.

RE-USE OF LOWER-INCOME SITES FROM A PREVIOUS HOUSING ELEMENT

- Applies to:
 - 11601 Tiburon Blvd. (vacant Bank of America building)
 - 4 Beach Rd (parking lot)
 - Cove Shopping Center, AHO portion (if added to site inventory)
- No requirements/penalties if rezoned at a higher density before the Housing Element due date of January 31, 2023.
- If not, must allow 100% multifamily development by right when proposed development contains at least 20% units affordable to lower income households.
- Rezoning must occur within 3 years of the beginning of the planning period (January 31, 2023)
- Penalty: Rezoning must occur within 1 year of the beginning of the planning period if Housing Element is not adopted AND found to be compliant by HCD by May 31, 2023.

DEFINITION OF USE BY RIGHT

By right means the jurisdiction shall not require:

- A conditional use permit.
- A planned unit development permit.
- Other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act “CEQA”).
- This does not preclude the Town from imposing objective design review standards.

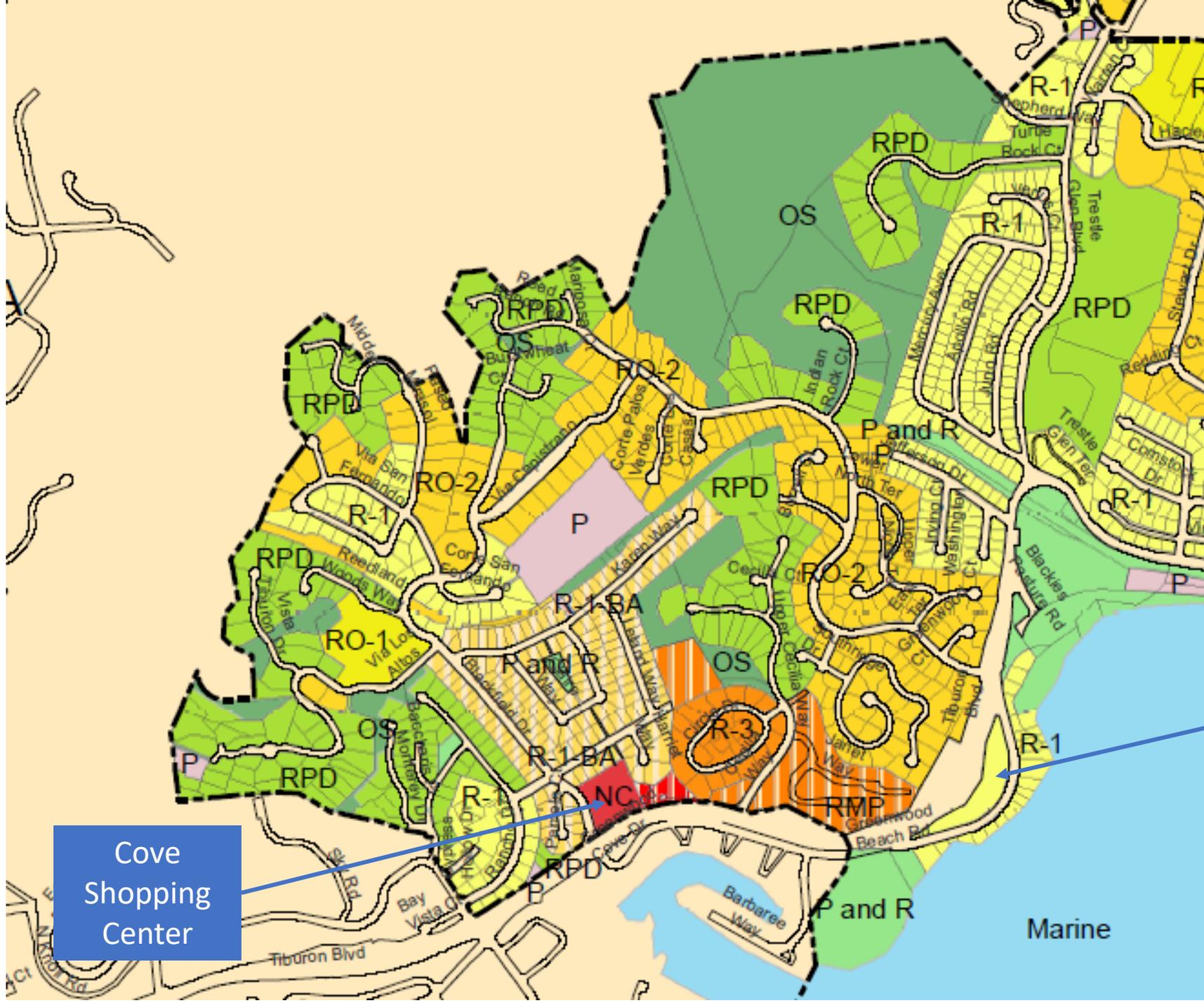
Government Code section 65583.2 (i))

NO NET LOSS

- The purpose of the No Net Loss Law is to ensure development opportunities exist throughout the planning period to accommodate RHNA
- If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category.
- Identify new sites or increase density on existing sites.

Government Code section 65863

ANALYSIS OF POTENTIAL MULTIFAMILY HOUSING SITES WEST OF TRESTLE GLEN



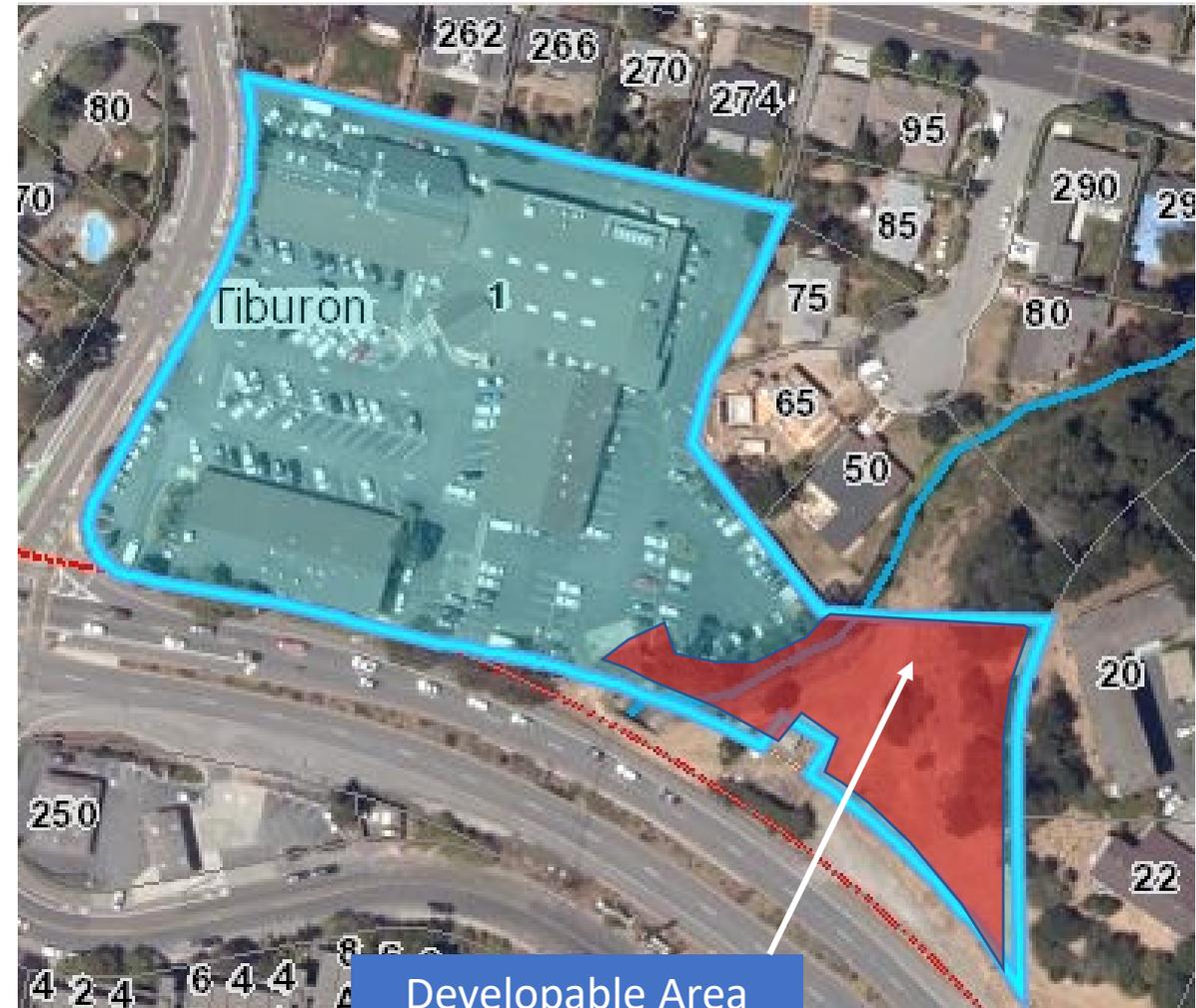
Cove Shopping Center

Tiburon Baptist Church

Marine

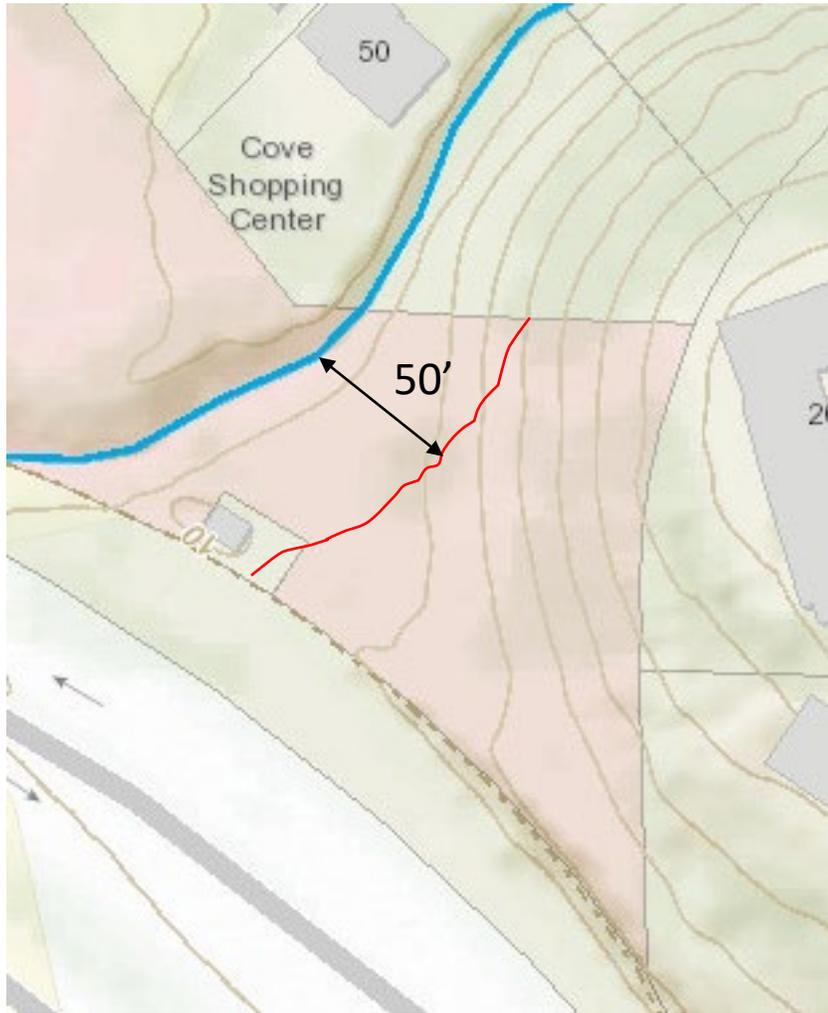
COVE SHOPPING CENTER

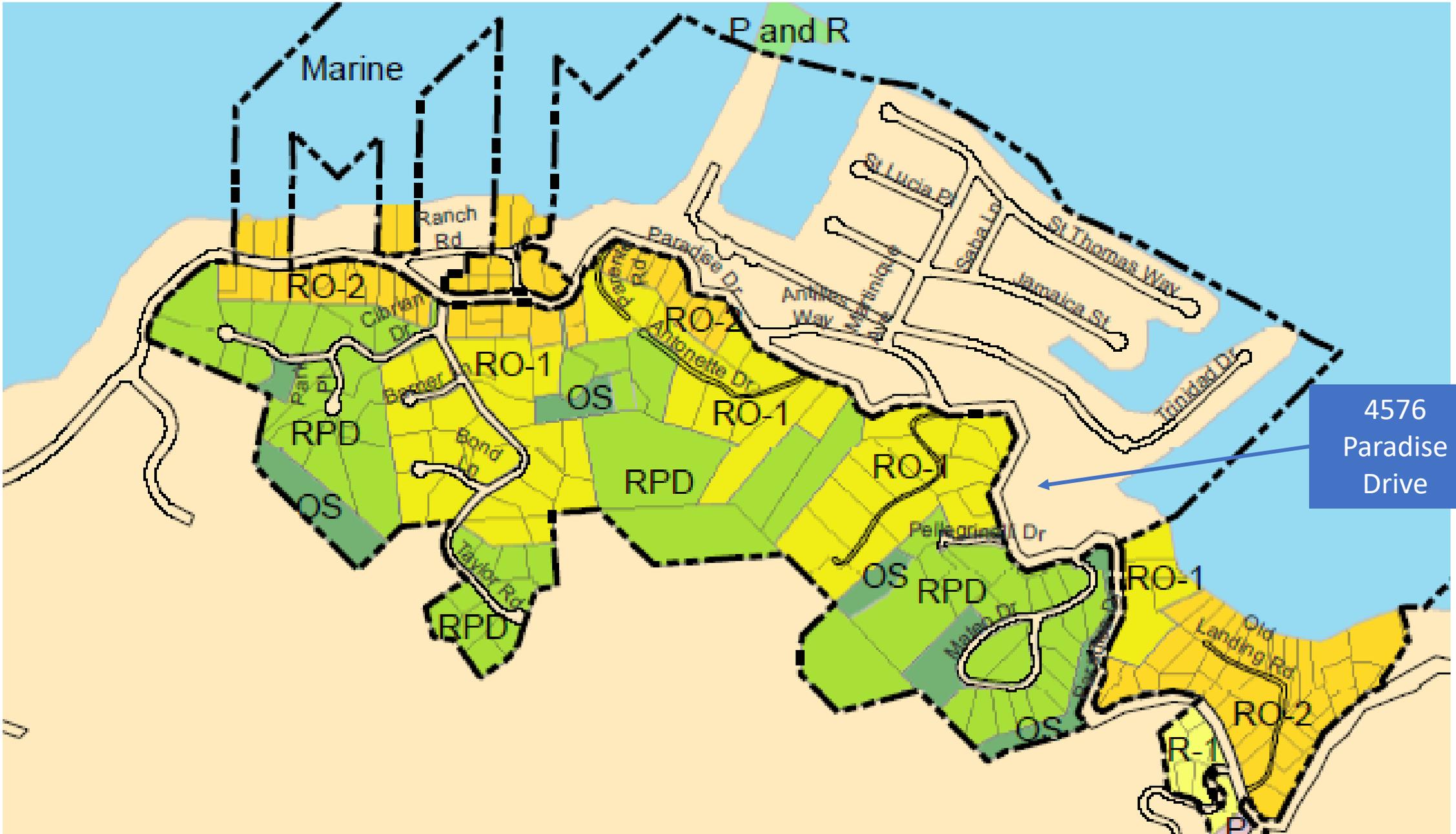
- Developable area supported by property owner is approximately 1.1 acre
- Creek, slope, and access are constraints
- At 20 units per acre would yield units 21 units, but given site constraints, 8-10 units is more realistic



Developable Area Supported by Property Owner

COVE SHOPPING CENTER





4576
Paradise
Drive

- 9.6 acres
- Existing 2 houses
- GP Designation: Planned Development – Residential (PDR)
- Allows up to 1 unit per acre, or 7 additional units
- In the Wildland-Urban Interface
- In a flood zone
- Average parcel slope 58%
- Access to site is difficult
- Narrow two-lane road



SITE INVENTORY ALTERNATIVES

Site #	Site Address	Existing Use	Parcel size (acres)	Density (du/ac)	Unit Capacity
1	1525 Tiburon Blvd	Parking lot	0.66	40-45	26-29
2	1535 Tiburon Blvd	Chase Bank	0.72	40-45	28-32
3	1601 Tiburon Blvd	BofA (vacant)	0.57	40-45	22-25
4	4 Beach Rd	Parking lot	1.07	40-45	42-48
5	1550 Tiburon Blvd	Boardwalk Shopping Ctr.	2.21	40-45	88-99
6	1620 Tiburon Blvd	Comm. bldg.	0.27	30-35	26-30
	1640/50 Tiburon Blvd	Comm. bldg..	0.6		
7	6 Beach Rd	Post Office, comm. bldgs. and 3 apts.	0.41	40-45	53-60
	12 Beach Rd		1		
8	1199 Tiburon Blvd.	Reed School	2.9	20-25	58-72
9	1100 Mar West St	Office bldg.	0.47	30-35	40-47
	1110 Mar West St	Office bldg.	0.3		
	1120 Mar West St	Office bldg.	0.59		
A	1555 Tiburon Blvd	Parking lot	0.86	40-45	34-38
B	1599 Tiburon Blvd	CVS	1.66	40-45	66-74
C	1600 Tiburon Blvd	Former Shark's Deli	0.39	30-35	11-13
D	1610 Tiburon Blvd	Commercial Bldg.	0.13	30-35	3-4
E	1660 Tiburon Blvd	Commercial Bldg.	0.43	30-35	12-15
F	1680 Tiburon Blvd	Commercial Bldg.	0.29	30-35	8-10
G	26 Main St./2 Juanita Ln	Theater and shops	0.43	20-25	8-10
TOTAL					526-606

THE “BUFFER”

“To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, it is recommended the jurisdiction create a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA.”

- HCD Guidance Memo, page 22

SITE INVENTORY AS PROPOSED IN DRAFT HOUSING ELEMENT

	Very Low	Low	Moderate	Above Moderate	Total
Vacant Single and Two-Family Parcels	0	0	0	179	179
Accessory Dwelling Units	21	21	21	9	72
Multi-Family Units on Housing Sites	189	107	102	152	526
TOTAL	210	128	123	340	801
RHNA	193	110	93	243	639
Buffer	9%	16%	32%	40%	25%

ALTERNATIVE #1: REDUCE DENSITIES FROM 40-45 DU/AC TO 30-35 DU/AC

	Very Low	Low	Moderate	Above Moderate	Total
Vacant Single and Two-Family Parcels	0	0	0	179	179
Accessory Dwelling Units	21	21	21	9	72
Multi-Family Units on Housing Sites	196	101	77	60	434
TOTAL	217	122	98	248	685
RHNA	193	110	93	243	639
Buffer	12%	11%	5%	2%	7%

ALTERNATIVE #2: ADD COVE SHOPPING CENTER TO ALTERNATIVE #1

	Very Low	Low	Moderate	Above Moderate	Total
Vacant Single and Two-Family Parcels	0	0	0	179	179
Accessory Dwelling Units	21	21	21	9	72
Multi-Family Units on Housing Sites	196	101	77	60	434
Cove Shopping Center - AHO only	0	0	1	7	8
TOTAL	217	122	99	255	693
RHNA	193	110	93	243	639
Buffer	12%	11%	6%	5%	8%

RECAP: COMPARISON OF ALTERNATIVES

	As Proposed in the Draft Housing Element	Alternative #1: Reduce Density to 30-35 units/acre	Alternative #2: Reduce Density to 30-35 units/acre and add Cove AHO
Total Unit Capacity	801	685	693
RHNA	639	639	639
Total Buffer	25%	7%	8%
Lower Income Buffer	12%	12%	12%
Unit Capacity Downtown (including Mar West site)	492	376	376
Maximum Building Height	4 stories	3 stories	3 stories

DRAFT LANGUAGE REGARDING RHNA AND REZONING

In 2020, the Town received a draft Regional Housing Needs Allocation (RHNA) of 639 units, approximately eight times the previous 5th 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 impacts that will result from the addition of 639 new housing units. The Town has proposed rezoning certain properties to address the RHNA requirement, but only in response to State mandates.

NEXT STEPS

- Draft Housing Element review period ended August 5, 2022
- Draft Housing Element will be submitted to HCD in September after making any needed changes. HCD has 90 days to review and provide comments – expected by mid-December 2022
- Staff will propose changes to Housing Element in response to HCD comments and resubmit to HCD
- HCD has 60 days for second review
- Adopt Housing Element and receive HCD certification by May 31, 2023

