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Protecting Marin Since 1934

Dina Tasini, Director  
Town of Tiburon Department of Community Development  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Email: [dtasini@townoftiburon.org](mailto:dtasini@townoftiburon.org)

**Subject: Town of Tiburon Draft Housing Element**

Dear Ms. Tasini:

Thank you for the opportunity to review and submit comments on the Town of Tiburon Draft Housing Element. The Marin Conservation League (MCL) acknowledges that development and adoption of a Housing Element is critical and important in this pivotal time of balancing the need for housing and the growing consequences of climate change.

MCL is an environmental organization, and housing is not its principal focus. Nonetheless, MCL follows its current policy position on housing, which is to: a) support a balance of commercial development and workforce employment with needed housing; b) avoid sprawl; c) correspond to the service capacity of Marin's infrastructure; and d) protect specific areas of environmental importance. As a result of the State's housing crisis, in the past five years there have been dramatic changes in mandated housing laws to promote housing development. These new laws prescribe public review processes that promote streamlining and "by-right" (ministerial) permitting processes. To fully understand these new housing laws, in January 2022, MCL hosted "MCL After Hours – The Impacts of the New State Housing Laws." This event was intended to educate interested attendees on the recent State housing laws and how they affect the review and development of housing at a local level in Marin County. Consequently, with the many changes in the housing laws, MCL is in the process of updating its housing policy position.

MCL has reviewed the Draft Housing Element for alignment with its adopted policy positions on, among others, housing, flooding/sea level rise, greenhouse gas emissions, and wildfire management. Further, the draft document has been reviewed for alignment with MCL's longstanding mission, which is, "*To preserve, protect and enhance the natural assets of Marin in a changing environment.*" MCL respectfully submits the following comments, which factor in the recent changes in State housing law:

1. Housing Needs Analysis (Chapter 2). The Housing Needs Analysis reports that the greatest housing need in Tiburon is for the low-, very low-, and extremely low-income households. For the next RHNA cycle, Tiburon's allocation is to plan for the development of 639 new housing units of which 303 units (47%) must be earmarked for low-, very low-, and

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |  
[mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)

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extremely low-income households. These income levels support a high percentage of Marin’s workforce that is required to travel far for affordable housing. Planning for housing opportunities to accommodate these households will promote a more sustainable balance in jobs and housing within Tiburon and within the County, which will help address the impacts of climate change such as greenhouse gas emissions.

2. Housing Sites (Chapter 3). Three categories for housing opportunity sites have been presented in the sites inventory: a) 16 commercial and underdeveloped sites along the Tiburon Blvd corridor for multiple-family residential with increased density and height allowances (Table 10); b) 44 vacant single-family lots; and c) a projection of 72 Accessory Dwelling Unit (ADU) start-ups. This chapter provides a thorough and thoughtful analysis of multiple-family residential sites along the Tiburon Blvd corridor, including redevelopment design schemes for key sites with renderings. MCL comments on the housing sites are as follows:
  - a. MCL generally supports the multiple-family residential site opportunities sites along Tiburon Blvd corridor, which include re-purposing developed commercial sites and other underdeveloped sites. With changing trends and lower demands for office and retail use, it is a wise approach to focus on re-purposing these sites. However, given the existing, active uses of some of these sites, it is questionable if they can be approved for and redeveloped with housing within the next 8-year Housing Element cycle.
  - b. Most of the available, vacant single-family residential lots are sited along the northeast Paradise Drive corridor. It is noted that lots are potentially eligible for the “by-right” SB 9 lot split and development process. However, there is no information on which lots are potentially eligible for this process. Given the State-prescribed list of exceptions and requirements to be eligible for the SB 9 process, as well as the provisions and regulations of Tiburon’s recently adopted SB 9 ordinance, there may be few lots that qualify. Please provide information on and/or clarify this issue.
  - c. MCL appreciates the attention to planning for ADUs. ADUs have proven to provide infill housing that can be sized and designed to be affordable to lower-income households and the workforce, within an existing, developed footprint. We would like to note that the feasibility of achieving 72 new ADUs during the next eight-year cycle may be ambitious. While the Draft Housing Element reports that the Town approved 31 ADUs between 2018-2021 (average of nine ADUs/year), it appears that few of these approved ADUs were actually built.
  - d. The sites inventory notes a handful of sites that are being “carried over” from the current and past Housing Elements. It is our understanding that the State housing laws require that sites “carried over” from the current Housing Element are eligible for the “by-right” development review process. Please confirm if the sites being “carried over” may be eligible for “by-right” development review.
3. Housing Constraints (Chapter 4) and Appendix C (Single-Family Home Site Inventory). Chapter 4 presents the State required constraints that must be identified and considered in the Housing Element. However, what is not included in this analysis are physical and environmental conditions, constraints, and challenges. Some of the low-lying opportunity

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sites along the Tiburon Blvd corridor are located in areas that are within the Federal Emergency Management Agency (FEMA) 100-year flood zone, are prone to increased flooding, and are vulnerable to projected sea level rise (source: County of Marin BayWAVE).

It is requested that the constraints analysis be expanded to include a discussion of physical and environmental conditions and resources/constraints (e.g., flood zone, fire hazard zone, steep slopes, limited access, wetlands, etc.) within the Tiburon planning area that can influence property development. Further, known conditions and constraints for the individual opportunity sites should be added to Table 10 (Sites Inventory) and Appendix C (Single-Family Home Site Inventory). While not required by the State for inclusion in the constraints analysis, adding this information will assist the public and decision-makers to: a) better understanding the conditions and challenges of certain sites; and b) confirm site development capacity and feasibility for development/redevelopment.

4. Goals, Policies, and Programs (Chapter 5). MCL generally agrees with the goals, policies, and programs presented in the Draft Housing Element. MCL provides particular support for the following:
  - a. Policy H-A1 – Local Government Leadership and Commitment of Resources.
  - b. Program H-a – Focus Town Resources on Housing Opportunity Sites.
  - c. Program H-b – Improve Community Awareness of Housing Needs, Issues, and Programs.
  - d. Program H-c – Community Outreach when Implementing Housing Element Programs.
  - e. Program H-d – Inclusive Outreach.
  - f. Program H-e – Promote Countywide Collaboration on Housing.
  - g. Program H-j – Coordinate with Water and Sewer Providers.
  - h. Policy H-C1 – Support Housing Conversion and Affordability.
  - i. Policy H-C9 – Energy and Resource Conservation.
  - j. Program H-bb – Provide Information on Energy Efficiency and Renewable Energy Programs.
  - k. Policy H-D4 – Mixed Use Infill Housing.
  - l. Policy H-D5 – Redevelopment of Commercial Shopping Areas and Sites.
  - m. Policy H-D9 – Accessory Dwelling Units.
  
5. Appendix A – Public Outreach. MCL would like to compliment Tiburon staff for its approach to and documentation of public outreach during this critical process. The outreach process that has been conducted has been well-planned, which included two community workshops (vetting ideas and presenting sample development on opportunity sites), and several focus groups. The hosting of a focus group to solicit resident experience at the EAH/Hilary low-income housing project was thoughtful in identifying and understanding the needs and issues of lower income renters that presently live in the community.

## Future Review of Draft Environmental Impact Report

MCL looks forward to the future release of the Draft Environmental Impact Report (DEIR) covering the environmental review for the update of the Tiburon General Plan, which will include the Draft Housing and Safety Elements. With the changes in housing legislation that would streamline future development review, and in some cases exempt environmental review, MCL will be reviewing the DEIR to assess the adequacy of this document.

Thank you for this opportunity to comment this critical policy planning document.

Yours truly,



Robert Miller  
President



Paul Jensen  
Board Member