STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*
**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**
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July 8, 2026

Kristin Teiche, Senior Planner
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Kristin Teiche:

**RE: Town of Tiburon – 1801 Tiburon Blvd. – Letter of Technical Assistance**

The California Department of Housing and Community Development (HCD) is writing in response to the Town's request for technical assistance regarding the applicability of AB 2097, Statutes of 2022 on a development application for a housing project located at 1801 Tiburon Blvd. The purpose of this letter is to summarize the preliminary analysis and response that HCD provided to the Town by email on June 8, 2026.

## Background

HCD understands that BOV 1801 Tiburon, LLC (Applicant) is seeking ministerial approval of a land development application for a nine-unit townhome development project (Project) submitted under the streamlining provisions of SB 684 Starter Home Revitalization Act (SHRA). The existing site and surrounding commercial and residential properties are governed by a Precise Development Plan (PDP) that was most recently amended and adopted via Resolution No. 2168 on October 5, 1983. The Resolution identifies the Project site as part of a public fee lot, with a required 239 parking spaces allocated towards commercial, commuter, and undesignated uses. According to the Town's Notice of Incompletion Letter #2 to the Applicant, dated March 11, 2026, the Project would reduce the number of parking spaces in the public fee lot by 93 spaces.

The Project site is located within one-half mile of the Tiburon Ferry Terminal, a major transit stop as defined under Public Resources Code section 21064.3, subdivision (b) and therefore potentially eligible for the provisions of AB 2097 which prohibit minimum parking requirements. It is HCD's understanding that the details of the Project, the Applicant's ability to propose the Project, and the location within one-half mile of a qualifying major transit stop are not in dispute.

**Analysis**

The Town presented the following questions, which HCD addresses below.

1. ***Does AB 2097 preempt or supersede minimum parking requirements established under a local entitlement or local legislative resolution (such as a PDP) for parking that is required for other established uses?***

Per AB 2097, the Town "shall not impose or enforce any minimum automobile parking requirement"[1] on the development project unless the Town makes certain written findings of substantial negative impact per Government Code section 65863.2, subdivision (b). Therefore, if the Town were to require the Applicant to provide any automobile parking, then the Town must make at least one of those required written findings, supported by a preponderance of evidence in the record, even where the reduction in existing parking results from the Project's siting.

2. ***Does the exception in Government Code section 65863.2, subdivision (h)(1), which preserves commercial parking requirements under pre-existing contractual agreements executed before January 1, 2023, include parking requirements imposed by a PDP or local legislative resolution?***

AB 2097 does not apply to certain sites, including where "commercial parking requirements…conflicts with an existing contractual agreement of the public agency that was executed before January 1, 2023, provided that all of the required commercial parking is shared with the public."[2]

HCD understands that the Town does not have a development or management agreement, memorandum of understanding, parking covenant, or other contractual agreement in place regarding the 239-space public parking fee lot. The Town's Resolution 2168 is a land use entitlement and not a contractual agreement with the public agency. Therefore, the exception to AB 2097 specified under Government Code section 65963.2, subdivision (h) does not apply to the project site.

[1] Gov. Code, § 65863.2, subd. (a).
[2] Gov. Code, § 65863.2, subd. (h)(1).

**Conclusion**

HCD may review local government actions and inactions to determine consistency with these laws and may notify the California Office of the Attorney General if a local government is in violation of state law.[3] If you have any questions or need additional information, please contact Grace Wu at grace.wu@hcd.ca.gov.

Sincerely,



Melinda Coy
Housing Accountability Unit Chief

[3] Gov. Code, § 65585, subd. (j).