



Town of Tiburon

STAFF REPORT

AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT**

SUBJECT: **ANNUAL GENERAL PLAN STATUS REPORT FOR FY 2005-2006**

MEETING DATE: **SEPTEMBER 27, 2006** _____

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BACKGROUND

Government Code Section 65400(b)(1) requires that an annual report be prepared by the planning agency of each town or city, which is then forwarded to the appropriate legislative body, on the status of the General Plan and progress in its implementation. In Tiburon, the "planning agency" is the Planning Commission.

The statute also requires a progress report on meeting the community's regional fair share housing allocations.

State law also requires that the annual report be forwarded to the State Department of Housing and Community Development (HCD) and to the Governor's Office of Planning & Research (OPR) in Sacramento each year.

FORMAT OF REPORT

For the past several years, the Annual Report has been prepared on an aging General Plan (1989) for which most of the implementing programs had long ago been implemented, completed, or purposely not implemented by the Town. Last year, the report was in the form of a brief letter indicating that the General Plan was being comprehensively updated, as allowed by state law under such circumstances.

This year, with a freshly-minted General Plan full of new programs to implement, the Annual Report is much more comprehensive and informative.

RECOMMENDATION

Staff recommends that the Planning Commission review the draft Annual Report, make any desired revisions, and direct Staff to forward the report to the Town Council for acceptance.

ATTACHMENTS

1. Draft Annual General Plan Implementation Status Report for Fiscal Year 2005-2006, dated 9/12/2006.

Annual Progress Report

Fiscal Year 2005-2006

Tiburon 2020 General Plan

Introduction

On September 7, 2005, the Town Council adopted a new General Plan, *Tiburon 2020*. This annual report reviews progress on implementing programs contained within *Tiburon 2020* during the roughly nine month period between its adoption and the end of the fiscal year on June 30, 2006. The purpose of this annual report is to:

1. Provide information regarding how the General Plan is being implemented with respect to its adopted implementation programs.
2. Identify and approved or needed amendments to the General Plan.
3. Provide information as to specific actions taken and ongoing strategies and practices to implement the General Plan.
4. Provide information regarding the Town's progress in meeting its fair share of regional housing needs and efforts to remove governmental constraints.

The Annual Report is organized by the eight elements in the General Plan, with a list of each implementing program and the status of that program, in the order that the element and implementing program appears in the General Plan. The eight elements of *Tiburon 2020* are as follows:

Land Use
Open Space & Conservation
Downtown
Circulation
Safety
Noise
Parks & Recreation
Housing

Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	LAND USE ELEMENT				
LU-a	The Town shall periodically review and, if appropriate, revise its Municipal Code and other regulations to reflect the goals, policies, densities, intensities and the land use designations of this General Plan	CDD	Highest	Completed and ongoing	All high priority amendments to the Municipal Code to achieve consistency with the new General Plan have been adopted. Lesser priority amendments are to follow.
LU-b	The Town shall revise the Zoning Map as necessary to achieve consistency with the General Plan	CDD	Highest	Completed and ongoing	Ordinances 491 N.S. and 493 N.S. adopted in 3/2006 and 4/2006, respectively, completed high priority rezonings; lower priority zoning map amendments to be completed as part of comprehensive Zoning Ordinance update
LU-c	The Town shall periodically revise its application forms, processing procedures, and development review procedures as necessary to reflect and implement the goals and policies of this General Plan	CDD	Highest	Progress	All CDD application forms reviewed and revised by July 2006; procedures to be revised as part of comprehensive Zoning Ordinance update beginning in FY2006-07
LU-e	The Town shall require that plans for new construction include a lighting plan for review as part of the Site Plan and Architectural Review process	CDD	Ongoing	Completed	Site Plan & Architectural Review application forms revised June 2006 to require exterior lighting plan and details as part of a complete application
LU-f	The Town, in conjunction with LAFCO and the County of Marin, shall conduct a study to establish the true cost and other implications of annexing Paradise Drive and work to create with the County of Marin and LAFCO a viable financing plan which would make annexation of properties in the Paradise Drive area feasible and fiscally acceptable to the Town	CDD/ DPW	High	Progress	Study (administrative draft) prepared by CSW/Stuber-Stroeh regarding current conditions and costs of improving and maintaining Paradise Drive issued June 2006. Public review draft anticipated by October 2006
LU-g	The Town shall identify priority locations for the use of Rule 20A undergrounding funds	DPW	High	Completed	Town Council adopted priorities list on 9/21/2005

CDD= Community Development Department; DPW=Department of Public Works; Admin=Administration Department; RDA=Redevelopment Agency; All=All Departments

Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	Open Space & Conservation Element				
OSC-a	Applicants shall be required to demonstrate that proposals for development minimize environmental impacts and comply with the General Plan and applicable regulations, ordinances and guidelines. The Town shall require an environmental assessment process, similar to that used by the County of Marin, for Precise Development applications filed for large undeveloped properties	CDD	Ongoing	Completed and ongoing	Precise Development Plan application submittal requirements revised June 2006 to incorporate this program
OSC-b	The Town shall review development applications submitted with the County within its sphere of influence and areas of interest in order to encourage conformance with Town policies, including minimizing the visual impact of development on surrounding hills visible from Tiburon	CDD	Ongoing	Completed and ongoing	County-referral applications are screened on a case-by-case basis and Town comments submitted as deemed appropriate
OSC-c	The Town shall require 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. The assessment shall be conducted by a qualified professional to determine the presence or absence of any sensitive resources which could be affected by proposed development, shall provide an assessment of the potential impacts, and shall define measures for protecting the resource and surrounding buffer habitat	CDD	Ongoing	Ongoing	Environmental review procedures of the Town require this information to be prepared where such resources exist
OSC-d	Where hillslope stabilization is proposed as part of development proposals, or wherever such stabilization is required by the Town to protect public safety, the Town shall require the project to	CDD	Ongoing	Completed and ongoing	Precise Development Plan application submittal requirements revised June 2006 to incorporate this program

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	evaluate all slope repair-related modifications such as the secondary impacts of subsurface drainage on site and watershed ecological communities, including special-status species, sensitive natural communities, and wetlands. In the event impacts are likely, modifications to the proposed project shall be considered. In the event avoidance and project modification are infeasible, appropriate on- or off-site habitat mitigation shall be required prior to project approval, as mandated by the State and federal regulatory agencies				
OSC-e	The Town shall establish a clearinghouse of information for public use related to protection of sensitive biological and wetland resources, maintain contacts for agencies responsible for their protection, and encourage programs dedicated to the restoration and management of the remaining natural area	CDD	Low	No progress	
OSC-f	The Town shall consider revising and expanding the Tiburon Tree Ordinance to provide protection of both individual trees and native woodlands. Factors to consider in expanding the current ordinance include the importance of protecting smaller sapling trees and balancing their protection against those of designated "protected trees", defining critical management guidelines necessary to maintain healthy woodlands, and methods to encourage natural regeneration in woodland habitats	CDD	Low	No progress	
OSC-g	The Town shall develop and adopt an Open Space management program that identifies maintenance projects and funding sources	DPW	Medium	Progress	The Town Council established a designated reserve account for Open Space Management and made an initial deposit of \$50,000
OSC-h	The Town shall create and adopt an overlay zone for the area containing the Town's Inventory of Local Historical Buildings and adopt additional protection measures for the structures	CDD	Low	No progress	Scheduled for inclusion in comprehensive Zoning Ordinance update

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	identified in the Inventory				
OSC-i	The Town shall either establish an inventory of sites which have known archaeological sites or the possibility of containing archaeological sites; or enter into an agreement with an outside entity which can provide similar services. Where sites have the possibility of containing archaeological resources, project sponsors shall be required to notify contractors to cease construction activities upon encountering archaeological artifacts or human remains until proper authorities have been notified and a mitigation plan is developed	CDD	Medium	Progress	Other municipalities in Marin County contacted regarding their practices and consultants used. Referral procedure under development for FY 2006-07
OSC-j	Revise the Town's water conservation ordinance when changes in MMWD's water conservation ordinance require	CDD	Low	No progress	
OSC-k	Consider the adoption of a wood smoke ordinance to reduce the emission of particulate matter into the air	CDD	Medium	No progress	Town Council considered directing staff to draft a wood-smoke ordinance but tabled the item until further notice
OSC-l	The Town shall pursue the gradual replacement of the Town's vehicle fleet with zero or low emission vehicles, where appropriate	All	Ongoing	No progress	Low emission vehicle requested in 2006-07 budget; other Town financial obligations prevented approval of requested appropriation
OSC-m	The Town shall attach BMP conditions to permits that are issued by the Town, as appropriate	CDD/ DPW	Ongoing	Progress	BMP conditions routinely attached to Encroachment Permit conditions and selected Zoning Permits; need to better incorporate BMP's into Building Permit conditions and inspection process
OSC-n	Recycling bins shall be placed adjacent to refuse cans on the Town's public property, with special emphasis on high traffic areas, such as Shoreline Park and the Richardson Bay Lineal Park	DPW	Ongoing	Progress	Town continues its gradual and ongoing replacement of older receptacles with new ones, including recycling containers

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
OSC-o	The Town shall continue to be an example and a resource for the community in recycling by continuing programs such as the construction debris program, household battery program and by reducing the waste of resources in conducting the Town's business	All	Ongoing	Progress and ongoing	Solar panels installed on Town Hall in 2006; other programs are in place and ongoing
OSC-p	The Town shall develop an ordinance or guidelines for outlining green building principles	CDD	Medium	No progress	Town Council discussed development and adoption of green building program at its 2006 retreat. Direction was provided to Staff to further study other jurisdiction's programs
Downtown Element					
DT-a	The Tiburon Zoning Ordinance shall be revised to be consistent with the goals and policies of this Element and to implement the guidelines of the <i>Downtown Tiburon Design Handbook</i>	CDD	Highest	No progress	Funds budgeted for comprehensive Zoning Ordinance update beginning FY 2006-07
DT-b	Adopt a property maintenance ordinance for Downtown that will require that public and private improvements (including signs) be kept in good repair	CDD	Low	No progress	
DT-c	Fulfill the Tiburon Redevelopment Agency requirements for construction of very-low income housing units through creation of additional units in the Downtown	RDA	High	Progress	Zoning Ordinance was amended to upzone properties and provide incentives for affordable housing production
DT-d	Over the long-term, implement installation of streetscape improvements to Tiburon Boulevard's public right-of-way as described in the <i>Downtown Tiburon Design Handbook</i> . These improvements may include, but are not limited to, widening sidewalks to a minimum of eight feet; providing a landscaped planter strip between sidewalks and streets on both sides of Tiburon Boulevard; installing new street trees in these planter strips; and replanting the existing median strip with lower-	All	Ongoing	No progress	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	growing vegetation				
DT-e	Facilitate the long-term future improvement of the four corner properties at the intersection of Tiburon Boulevard and Beach Road and adjacent sites	CDD/ Admin	Medium	Progress	Properties on all four corners were up-zoned to a higher FAR limit and affordable housing overlay and density bonus provisions were placed on two of the corner properties
DT-f	The Town shall adopt a street furniture/outdoor seating plan for Main Street, with possible future extension of the plan to other areas of Downtown	CDD/ Private	Low	No progress	
DT-g	The Town shall adopt a resolution designating the former Northwestern Pacific Railroad Yard palm tree as a protected tree	CDD	Low	No progress	
DT-h	Consider installation of a Downtown Tiburon entry sign/planter area at an appropriate location	CDD	Low	No progress	
DT-i	Consider adoption of a public art ordinance and establishment of a community program to encourage public art where appropriate	CDD	Low	No progress	
DT-j	The Town shall install signs or kiosks where appropriate to indicate the location of off-street parking within walking distance of Downtown Tiburon	CDD	Low	No progress	
DT-k	For the Main Street Parking Lot, designate and enhance pedestrian walkways, stairways, lanes and intersection points through signage, pavement markings or other methods, and enhance or replace existing parking lot landscaping along Juanita Lane. The Town and property owner should study alternative vehicular entry and/or exit points for this parking lot	Private	Medium	No progress	
DT-l	Pave and improve the Tiburon Boulevard pay parking lot located at 1525 Tiburon Boulevard. If feasible, designate bus parking spaces in this lot, with signage prohibiting the idling of buses	CDD/ Private	Medium	Progress	CUP revised in 2006 to require full paving and improvement of the lot by end of 2007
DT-m	The Town, along with Downtown property owners and merchants, shall periodically review the relationship between Downtown businesses and the time limit regulations of on-street parking and study changes to the current public street parking	Police	Ongoing	No progress and ongoing	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	regulations to best serve Downtown merchants and their patrons				
DT-n	The Town shall explore the desirability and feasibility of a public parking structure in Downtown	All	Medium	No progress	
DT-o	With the owners of Downtown private parking lots, the Town shall examine the feasibility of instituting a preferential parking program for residents	Admin/ CDD	Medium	No progress	
DT-p	Install a traffic signal at Mar West Street and Tiburon Boulevard as soon as permission from Caltrans can be secured	CDD/ DPW	Low	No progress	Signal warrants not yet met to allow signal installation approval by Caltrans
DT-q	Reduce the bicycle/vehicular conflict at the Mar West Street/Tiburon Boulevard intersection. Study the installation of a delineated left-turn bicycle lane from westbound Tiburon Boulevard to the multi-use path entrance at this location, as well as other options. Such improvements may (but need not) occur in conjunction with signalization of the intersection	CDD/ DPW	Low	No progress	
DT-r	Relieve the pedestrian congestion points near the intersection of Juanita Lane and Tiburon Boulevard through physical changes and improved enforcement of the public right-of-way	CDD/ DPW	Low	Progress	Installation of different tables and chairs and minor public improvement relocations have somewhat reduced the congestion in this location
DT-s	Install a paved pedestrian pathway or similar suitable improvement along Mar West Street from Tiburon Boulevard to the Tiburon Peninsula Club, and install a pathway connecting Teather Park to Judge Field	CDD/ DPW	Medium	Progress	Easement agreement for public access in the specified location was secured from the Tiburon Peninsula Club in 2006
DT-t	Actively monitor the San Francisco Bay Area Water Transit Authority process in order to promote ferry use	Admin	Ongoing	Progress	The Town Council has a representative on this Board who provides regular updates to the Town Council on the Authority
DT-u	Facilitate expansion of the Belvedere-Tiburon Public Library by employing streamlined permit review processes typically used for major public projects	CDD	Ongoing	No progress	
DT-v	Implement recommendations of the Railroad Marsh Maintenance Plan prepared by Wetlands Research Associates	DPW	Ongoing	Progress	Major cattail removal occurred in late 2005 in conformance with the Marsh Maintenance Plan
DT-w	Consider the installation of a small public restroom facility in or near Shoreline Park	DPW	Medium	No progress	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	Circulation Element				
C-a	The Town shall maintain its traffic model and traffic monitoring program, which periodically measures intersection levels of service, evaluates the impact of new projects on the roadway network, and re-evaluates appropriate traffic mitigation fee amounts	CDD	Ongoing	Progress	Traffic model was updated as part of the Tiburon 2020 EIR; contract issued for comprehensive update of traffic mitigation fees, due for adoption by December 2006
C-b	The Town's traffic model shall be used to periodically review the Town's traffic mitigation fees to ensure that they are based on current information and that they are adequately capturing the impacts of new projects on the roadways in the Planning Area. The Town shall update its traffic mitigation fees as necessary	CDD	High	Progress	See C-a above
C-c	The Town shall re-evaluate its list of needed circulation approximately every five (5) years	CDD/ DPW	Ongoing	NA	
C-d	The Town shall work with the County of Marin and LAFCO to formulate a long-term plan for maintaining and improving Paradise Drive	All	High	Progress	Study (draft) prepared by CSW/Stuber-Stroeh regarding current conditions and costs of improving and maintaining Paradise Drive
C-e	The Town shall work with the County of Marin and LAFCO to identify and implement a financing strategy for maintenance and improvement of Paradise Drive	All	Highest	Progress	Study (draft) prepared by CSW/Stuber-Stroeh regarding current conditions and costs of improving and maintaining Paradise Drive
C-f	The Town shall lobby funding agencies such as Metropolitan Transportation Commission and the Transportation Authority of Marin to ensure that funding for critical local roads, including	Admin	Ongoing	Progress	Town Council successful in having Paradise Drive included in list of County roads to receive sales tax proceeds through Transportation Agency of Marin (TAM)

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	Paradise Drive				
C-g	The Town shall use the designation of Paradise Drive as part of the Bay Trail as a tool in applying for improvement funding for the road	Admin DPW	Ongoing	Progress	Town Council successful in having Paradise Drive included in list of County roads to receive sales tax proceeds through TAM.
C-h	The Town of Tiburon Traffic Safety Committee shall maintain a list of desired traffic safety improvements for implementation over time	All	Ongoing	No progress	
C-i	The Town shall review the <i>Bicycle and Pedestrian Master Plan</i> periodically, and revise the list of improvements and actions called for in the <i>Plan</i> when implementation of adopted improvements has occurred, and/or when conditions warrant	CDD/DPW	Ongoing	No progress	
C-j	The Town will work cooperatively with ABAG and neighboring jurisdictions to improve the Bay Trail around the Tiburon Peninsula	CDD/DPW	Ongoing	Progress	Town completed Phase I the Trestle Glen Boulevard (Bay Trail spur route) bicycle and pedestrian improvements in 2005. New signage was added along the Bay Trail route in Tiburon under direction of the Bicycle Pedestrian Advisory Committee
C-k	Encourage the provision of adequate transit facilities in cooperation with other agencies and operators	All	Ongoing	Progress	Council representative to TAM lobbied and encouraged Marin County Transit District for bus route funding
C-l	The Town shall make available schedules for buses, ferries, and any transit agencies that connect with those modes	Admin	Ongoing	Progress	Town's website has links to ferries, buses and other transit services through the 511 system and Golden Gate Bridge District websites
C-m	The Town shall continue to work with the Reed Union School District and St. Hilary School to promote alternative transportation programs to reduce traffic congestion around schools	All	Ongoing	Ongoing cooperation	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
C-n	The Town shall promote and publicize the RIDES program to employers and employees as a resource for exploring ways to reduce traffic and parking congestion	CDD	Low	No progress	
C-o	Coordinate with Marin County for the adoption of complementary roadway improvement and mitigation fee programs for roads and intersections located in unincorporated sections of the Tiburon Planning Area	CDD	High	Progress	Town has adopted and is updating its traffic mitigation fee for development within Town limits that affects the unincorporated intersections within the Tiburon Sphere of Influence. No progress in having the County adopt a reciprocal mitigation fee.
C-p	Maintain an active role in the Transportation Authority of Marin and/or U.S. Highway 101 Corridor planning program with the purpose of ensuring that improvements enhance inter-city movement	Admin	Ongoing	Progress	The Town Council representative maintains an active role on the TAM Board and Executive Committee
	Safety Element				
SE-a	Where possible, the Town should advise residents of the Tiburon Planning Area of ways that they can reduce geologic, fire and flooding hazards	All	Ongoing	Ongoing	
SE-b	The Town shall require project applicants for new development to prepare a hydraulic and geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. Characteristics pertinent to channel stability would include bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, and the condition of riparian vegetation. In the event existing channel instabilities were noted, the applicant could either propose their own channel stabilization program, or defer to the mitigations generated during the Town's environmental	CDD	Ongoing	Complete	Precise Development Plan submittal requirements revised June 2006 to require this information as part of a complete application

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	review. Any proposed stabilization measures shall anticipate any project-related changes to the drainageway flow regime				
SE-c	Through the application review process, the Town shall continue to require review by the appropriate Fire District for fire prevention considerations	CDD/DPW	Ongoing	Ongoing	Applications are routed to the Fire District for comments as appropriate
SE-d	As part of an Open Space Management program, the Town shall develop a plan, including funding sources and/or other opportunities, such as volunteer groups, for reducing fire hazards and maintaining fire roads on Town-owned open space	DPW	Medium	Progress	Funding established through creation of a designated reserve fund for open space management; \$50,000 deposited for FY 2006-2007
SE-e	The Town shall continue to review and update the <i>Emergency Operations Plan</i> to ensure that it remains up-to-date.	Police	Ongoing	Ongoing	
SE-f	The Town shall adopt a Local Hazard Mitigation Plan to comply with the federal Disaster Mitigation Act of 2000 and maintain eligibility for hazard mitigation funding from FEMA	CDD	High	Completed	Plan adopted in October 2005; Resolution 53-2005.
SE-g	The Town shall use its best efforts to disseminate emergency preparedness information to the community	Police	Ongoing	Progress	Get Ready!! Program launched in 2006. To date, 1,700 persons have signed up for or received emergency preparedness training
SE-h	The Town shall conduct an immediate post-earthquake assessment of critical facilities and buildings in the Planning Area to determine the extent of damages, if any, to essential Town infrastructure. This should be performed by trained professional(s) utilizing the current state-of-knowledge regarding post-earthquake assessment	CDD	Ongoing	NA	
SE-i	The Town shall coordinate with the Marin Municipal Water District to replace the piping and fittings in those water tanks in the Planning Area that are not currently fitted with flexible, earthquake-resistant joints. In addition, the water tanks should be evaluated to ascertain their ability to withstand strong seismic ground shaking.	CDD/DPW	Low	Progress	Town Staff requested and received an update from MMWD regarding the earthquake status of the various tanks on the Tiburon Peninsula. MMWD maintains a program of upgrading, retrofitting, and/or replacing tanks, including seismic-related work

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
SE-j	The Town shall create and implement a Seismic Improvement Program. The Program shall include conducting a seismic risk assessment of existing Town infrastructure, which would help to create a list which would prioritize the buildings and equipment that should be retrofitted. Following risk assessment, the Town should adopt a program that would upgrade vulnerable facilities based on the priority list	DPW	Low	No progress	
SE-k	The Town shall increase education regarding upgrading of buildings using structural and non-structural mitigation measures	CDD	Low	No progress	
SE-l	The Town shall evaluate the potential impacts related to hazardous materials during the environmental review process for new developments or businesses where the production, use, storage, transport, or disposal of hazardous materials is proposed. The potential impacts should be fully mitigated.	CDD	Ongoing	Completed and ongoing	This potential safety impact is addressed in the environmental review process and included in the Initial Study Checklist.
SE-m	The Town shall coordinate hazardous materials with other public agencies	All	Ongoing	Ongoing	
	Noise Element				
N-a	The Town should periodically assess the noise environment to identify noise sources that should be regulated to reduce excessive or offensive noise.	All	Ongoing	Ongoing	
N-b	The Town should contact the appropriate regulatory agencies to ensure that they are aware of the Town's policy discouraging aircraft flyovers of the Tiburon Planning Area	Admin/ CDD	Ongoing	No progress	

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	Parks & Recreation Element				
PR-a	The Town should work with the Belvedere - Tiburon Recreation Department and the City of Belvedere to consider the long and short term need for additional parklands, sporting facilities, picnic facilities, play areas, and to develop a master plan for meeting the community's recreational programming and facilities needs.	CDD	High	No progress	
PR-b	The Town shall examine development applications for the existence and potential creation of easements and/or trails that connect or continue to allow public access to shoreline, recreation and open space areas; Town Staff shall monitor construction with a view toward the successful creation and/or maintenance of such easements and/or trails	CDD	Ongoing	Progress	Public access easements secured in 2006 from Tiburon Peninsula Club and Tiburon Glen development projects.
PR-c	The Town should explore the need and desirability for establishing a community center which would accommodate recreational and other needs for the entire community	Admin	High	Progress	Issue and potential sites discussed at Town Council retreat in January 2006. Direction provided to Staff.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
HOUSING ELEMENT					

I. Introduction.

The Town of Tiburon adopted its *General Plan Tiburon 2020*, including its Housing Element, on September 7, 2005. On December 9, 2005, the California Housing & Community Development Department (HCD) certified the Town’s Housing Element pursuant to California Government Code Section 65585.

California Government Code Section 65400(b)(1) requires the Town’s Planning Agency to make an annual report to the legislative body, the Office of Planning & Research, and HCD regarding the status of and progress in implementing the General Plan. Further, California Government Code Section 65400(b)(2) requires that the Town prepares a separate report detailing the progress in meeting its share of the regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement and development of housing pursuant to California Government Code Section 65583.

As a condition of certifying Tiburon’s Housing Element on December 9, 2005, HCD required that specific implementing programs be completed by April 2006. Over the next several months, the Town prepared the zoning text amendments and rezonings necessary to achieve unconditional certification with Section 65585. On March 31, 2006, the Town Council adopted the final ordinances implementing these programs, and on August 3, 2006, the Town received a letter from HCD unconditionally certifying the Town’s Housing Element. The programs implemented by March 31, 2006 included:

- Program 19A regarding development at Key Housing Opportunity Sites, including initiating the necessary General Plan Amendments, rezonings, and other implementing actions to reduce obvious governmental constraints to the construction of affordable housing at sites identified in Tiburon’s Housing Plan 1999-2006
- Program H-19B regarding Mixed Use Development Incentives, involving the preparation and adoption of a Zoning Ordinance amendment that incorporates incentives to facilitate mixed use development in commercially-zoned areas in the Downtown, on properties identified in Tiburon’s Housing Plan.
- Program H-19C regarding an “Affordable Housing Overlay Zone” Zoning Designation, involving the creation and adoption of an affordable housing overlay zone that incorporates specific sites on which residential densities will be increased up to 100% if a specified level of affordability is achieved.
- Program H-19D regarding Density Bonus Zoning and Other Incentives.

The implementation of these programs, as well as the Town’s continued engagement with the property owners who control virtually all of the potential affordable housing sites identified in the Housing Element, is contributing to a positive environment for provision of housing. It should be noted that the Downtown’s largest property owner, Main Street Properties, recently divided its extensive property holdings in Tiburon and may be in a position to move forward with development proposals following a lengthy period of uncertainty.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
II.	Progress in meeting Regional Housing Need (January 1, 2004 to June 30, 2005).				

A. Town of Tiburon units constructed and lost (1/1/2004-6/30/2006)

1. Total number of housing units finalized: 19
2. Total number of housing units under construction as of 6/30/2006: 47
3. Total number of units lost: 20 (tear-down/re-build)

B. Compare units added to regional housing need allocation by income category

Between 1999 and June 30, 2006, a net total of 54 units have been added to the Town of Tiburon's housing stock. Most of these units were single family homes or duplexes not subject to the Town's prior inclusionary housing policy. The following table provides an update of the Town's progress in meeting regional housing needs.

**HOUSING PRODUCTION STATUS (January 1, 1999-June 30, 2006)
(TIBURON HOUSING ELEMENT AREA)**

<u>Income Level</u>	<u>ABAG Need 1999-2006</u>	<u>Built to date*</u>	<u>Remaining Need</u>
Very Low	26	4	22
Low	14	3**	11
Moderate	32	0	32
Above Moderate	92	47***	45
TOTAL	164	54	110

* Includes only newly-created units; not tear-down replacements
 ** Secondary dwelling units
 *** Assumes 10 unincorporated units built within Tiburon Housing Element Area.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	Housing Element				
H-1A	Commit Town Resources. Marshal and commit Town-controlled resources toward the design, approval, financing, and construction of affordable housing projects on those sites identified in Tiburon's Housing Plan 1999-2006 (Table 9.9-1)	Admin/ CDD	High	Progress	Town resources in place
H-1B	Improve Community Awareness of Housing Needs, Issues, and Programs. Provide or collaborate with other agencies (e.g., County of Marin, Marin County Housing Authority, Rotary, Chamber of Commerce, Ecumenical Association for Housing, Housing Council) to prepare presentations and distribute informational materials to improve awareness of housing needs, issues and programs, and ensure community participation. Distribute materials to neighborhood groups, homeowner associations, religious institutions, businesses, and other interested groups (Rotary, Chamber of Commerce, etc.) in the Tiburon area.	CDD	Low	No progress	
H-1C	Foster Meaningful Assistance from Other Agencies. Town staff will proactively 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, or other assistance for affordable housing projects	CDD	Ongoing	Progress	Staff worked in collaboration with other cities in Marin County to have special district fees reduced or waived for secondary dwelling units; MMWD reduced fees for secondary dwelling units

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
H-2	Redevelopment Agency. In addition to expending Housing Set Aside Funds for meritorious affordable housing projects, as set forth in Appendix A, the Town will place some or all of the new property tax margin that will accrue to the Town once the Redevelopment Project Area sunsets into a designated fund for affordable housing.	Admin/ RDA	Ongoing	No progress	
H-3	Apply for Funds. Apply for affordable housing funds generated by Proposition 46 including, but not limited to, the Multifamily Housing Program, the CalHome Program, and the Homebuyer's Downpayment Assistance Program, and other agencies including the Marin Community Foundation by end of 2005. Commit these funds to one or more projects listed in Table 9.9-1: Tiburon's Housing Plan 1999-2006	CDD/ Admin	Ongoing	No progress	
H-4	Work with Housing Advocates. Coordinate with local businesses, housing advocacy groups, Rotary Clubs, and the Chamber of Commerce and participate in the Marin Consortium for Workforce Housing in building public understanding and support for workforce, special needs and affordable housing.	Admin/ CDD	Low	No progress	
H-5	Fund County Housing Position. Jointly fund an Affordable Housing Strategist position within Marin County to provide all participating local agencies with technical assistance to facilitate approval and construction of affordable housing projects. This may include adoption by the Countywide Planning Agency of a Strategic Action Plan for Housing in Marin that will be considered for adoption with each jurisdiction's Housing Element. The Strategic Action Plan should be coordinated by the Marin County Affordable Housing Strategist who would also	Admin/ CDD	Low	No progress	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	assist participating cities and towns				
H-6	Staff Training. Hold a training session for Town employees regarding the receipt, documentation, and proper referral of housing discrimination complaints	CDD/ Legal	Low	No progress	
H-7	Provision of Affordable Housing for Special Needs Households. The Town will facilitate programs and projects which meet federal, state and local requirements to provide accessibility for seniors, persons with disabilities, large families, and single-person and single parent households. Specific types of housing include: <ul style="list-style-type: none"> a. Smaller, affordable residential units, especially for lower income single-person and single parent households. b. Affordable senior housing to meet the burgeoning needs of an aging population, including assisted housing and board and care (licensed facilities). c. Affordable units with three or more bedrooms for large family households. d. Affordable housing that is built for, or can easily and inexpensively be 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). 	CDD	High	Completed	Inclusionary Housing ordinance amended in May 2006 to require 10% of units to meet these special housing needs
H-8A	Emergency Housing Assistance. Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services. Target: Ongoing; Respond to County requests for assistance	Admin	Ongoing	Ongoing	No requests received

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
H-8B	<p>Modify Existing and Adopt New Zoning Provisions for Emergency Shelters, Transitional and Disabled Housing, and Group Homes for More than 6 Persons. Define “emergency shelters” and “transitional housing facilities” in the Zoning Ordinance. Consistent with SB520 and the Fair Housing Act, adopt an Ordinance relating to requests for reasonable accommodation within the Town’s land use regulations. Establish provisions for group homes with more than 6 persons within multi-family residential and commercial zones through a Conditional Use Permit process</p>	CDD	High	No progress	
H-9	<p>Develop and Adopt an Employee Housing Assistance Policy and Program</p>	Admin	Ongoing	No progress	
H-10A	<p>Rehabilitation Loan Programs. Continue to support rehabilitation loan subsidy programs. In cooperation with the Marin County Housing Authority (MCHA), the Town shall improve citizen awareness of rehabilitation loan subsidy programs. Target: Residential Rehabilitation Loan Program (MCHA) - 3 low -income units rehabilitated by 2006</p>	CDD	Ongoing	Ongoing	
H-10B	<p>Acquisition of Rental Housing. Work with non-profit sponsors seeking to acquire and rehabilitate rental housing units in order to maintain ongoing affordability of the units. This will include, but not be limited to: (1) support necessary to obtain funding commitments from governmental programs and non-governmental grants; (2) assistance in permit processing; (3) waiver or subsidy of fees; and (4) use of local funds if available</p>	CDD	Ongoing	Ongoing	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
H-11	Condominium Conversions. Preserve rental housing by enforcement of Policy H-11 and the Town's condominium conversion ordinance	CDD	Ongoing	Progress	No multi-family units allowed to be converted to condominiums in at least the past 10 years
H-12	Protect “At Risk” Units. Identify assisted properties at risk of conversion to market rates and work with the property owners and/or other parties to ensure that they are conserved as part of the county’s affordable housing stock. No affordable housing units are currently at risk of conversion in Tiburon	CDD	Ongoing	Ongoing	No “at risk” units are located in the Town of Tiburon at this time
H-13	Modify Zoning in “Old Tiburon”. Modify the zoning standards that apply to two-family dwellings in “Old Tiburon” to limit conversion of existing two-family and multi-family dwellings into single-family units or buildings with fewer units than currently legally exist. Adopt provisions to enable two-family and multi-family dwellings to be rebuilt in the event of damage or destruction by fire, earthquake, or similar disaster	CDD	High	No progress	To be included in Zoning Ordinance update in 2007.
H-14	Density Bonus Provisions for Reconstruction. Continue application of Zoning Ordinance section 6.06.00(c) that allows reconstruction to the same density.	CDD	Ongoing	Progress	Zoning provisions re-affirmed in May 2006; now Municipal Code section 16-6.10(b)
H-15	Rental Housing Assistance. Encourage federal, state and local rental housing programs. Work with the Marin County Housing Authority to implement the Section 8, Project Independence rental assistance programs, Marin Renters Rebate program, and any similar programs	CDD/ Admin	Ongoing	Ongoing	
H-16A	Work with the Marin Housing Authority. Continue to work successfully with the Marin Housing Authority (MHA) for	Admin/ CDD	Ongoing	Ongoing	

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	management of the affordable housing stock in order to ensure permanent affordability, implement resale and rental regulations for below-market rate units, and assure that these units remain at an affordable price level				
H-16B	Link Code Enforcement with Public Information 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. Contact owners of structures that appear to be in declining or substandard condition, offer inspection services, and advertise and promote programs that will assist in funding needed work	CDD	Ongoing	Ongoing	
H-17	Publicize Energy Conservation and Tenant Assistance Programs. Provide public information on alternative energy technologies for residential developers, contractors and property owners. Publicize available services for tenants and refer tenants to Marin Mediation Services if problems exist. Publicize tenant assistance and energy conservation programs and weatherization services that are available to provide subsidized or at cost inspection and corrective action	CDD	Ongoing	Progress	Town Council adopted a policy waiving building permit fees for solar energy systems that meet simple Town guidelines
H-18	Modify Zoning. Modify Zoning Ordinance Section 6.07.00 to require in-perpetuity affordability of below-market rate units (rather than simply long-term affordability)	CDD	High	Completed	Ordinance No. 493 N.S. effective May 2006 included this provision.
H-19A	Facilitate Development at Key Housing Opportunity Sites. Initiate the necessary General Plan Amendments, rezonings, and other implementing actions to reduce obvious governmental constraints to the construction of affordable	CDD	High	Completed	Ordinance Nos. 491 N.S. (March 2006) and 493 N.S. (May 2006) created the overlay zones and development incentives necessary to implement this program and reduce government constraints on the sites shown in Table 9.9-1. To date, no affordable housing units

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	housing at sites identified in Tiburon's Housing Plan 1999-2006 (Table 9.9-1).				have been applied for or built on these properties.
H-19B	<p>Mixed Use Development Incentives. In order to promote well-designed, affordable mixed-use residential/non-residential projects in commercial zones, prepare and adopt a Zoning Ordinance amendment that incorporates some or all of the following incentives to facilitate mixed use development in commercially-zoned areas in the Downtown, on properties identified in Table 9.9-1:</p> <ul style="list-style-type: none"> a. An increased maximum height limit or height limit bonuses so that second and third stories could be permitted on buildings with commercial use at ground level and housing above; b. Flexible development standards (e.g., FAR, lot coverage) based on the location, type, and size of the units and the design of the development; c. An additive residential component of a mixed use development with a density range of 12.9 to 15.3 units per acre (a yield of 17.4 to 20.7 units per acre after the award of a density bonus), with FAR limits applying only to the commercial portion of the mixed use project; d. Flexible parking standards based on the development's location and 	CDD	Highest	Completed	Ordinance Nos. 491 N.S. (March 2006) and 493 N.S. (May 2006) created the overlay zones and development incentives necessary to implement this program and reduce government constraints on the sites shown in Table 9.9-1. To date, no affordable housing units have been applied for or built on these properties.

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Implementing Program #	Program Summary	Lead Dept.	Current Priority	2005-2006 Status	Description of Activity
	<p>the type and size of the housing units, such as efficiency apartments and senior housing units.</p> <p>e. Shared parking for commercial and residential uses, resulting in a lower overall parking requirement.</p> <p>f. Subsidization of hook-up fees or other fees charged by special districts.</p> <p>Eliminate the requirement for the proposed residential component of a mixed use development to receive a conditional use permit</p>				
H-19C	<p>Develop an “Affordable Housing Overlay Zone” Zoning Designation. Create and adopt an affordable housing overlay zone that incorporates specific sites on which residential densities will be increased up to 100% if a specified level of affordability is achieved. This zone shall be applied to between three-quarters-to-one acre (depending on site factors such as access, slope, and proximity to urban infrastructure) of the sites listed in Table 9.9-1: Tiburon’s Housing Plan 1999-2006 which are in residential areas: Reed School, Oloumi, and Pan Pacific Ocean. Specific considerations in developing the overlay zone include:</p> <p>a. To qualify for the benefits of the overlay zone, proposals should be required to include a minimum of 20 percent very low, 20 percent low and 20 percent moderate income housing units. Above moderate income market rate units should not exceed 40 percent of the total number of units with moderate income rental units counting as market rate units.</p>	CDD	Highest	Completed	Ordinance Nos. 491 N.S. (March 2006) and 493 N.S. (May 2006) created the overlay zones and development incentives necessary to implement this program and reduce government constraints on the sites shown in Table 9.9-1.

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	<ul style="list-style-type: none"> b. Affordable ownership and rental units shall be deed-restricted for a period of not less than 55 years (in perpetuity if feasible) to ensure affordable resale and rents. c. Permit by-right multi-family residential development. d. Waive some or all local fees. e. Target a percentage of units for special needs populations 				
H-19D	<p>Density Bonus Zoning and Other Incentives. In order to create incentives for projects with high percentages of very low and low income units, amend the Zoning Ordinance to include use of density bonuses, flexible development standards, fast-track review and other mechanisms, including the following:</p> <ul style="list-style-type: none"> a. State Density Bonus Law. Offer a density bonus consistent with current State Law. b. Flexibility in Development Standards: Provide flexibility in applying development standards (e.g. parking, setback, height standards), subject to the type of housing, size and unit mix, location and overall design. Higher densities may be appropriate where units are significantly smaller and would have fewer impacts than the market norm. c. Facilitating Affordable Housing Development Review. Affordable housing developments shall receive the highest priority and efforts will be made by staff and decision-makers to: (1) Provide technical assistance to potential affordable housing developers in processing requirements, including community involvement; (2) consider project funding and timing needs in the 	CDD	High	Completed	Ordinance No. 493 N.S. (May 2006) fulfilled this program.

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	processing and review of the application; and (3) provide the fastest turnaround time possible in determining application completeness				
H-19E	<p>Unincorporated Sites in Housing Element Area. Facilitate development at sites identified in the Tiburon's Housing Plan 1999-2006 (Table 9.9-1) that are within the Tiburon Housing Element Area but are currently subject to the jurisdiction of Marin County. Initiate rezoning and annexation proceedings for these sites with Marin LAFCO.</p> <p>Target: Initiate rezoning and annexation in 2005; approval of 19 below market rate and 16 above moderate income units by end of 2006</p>	CDD	Low	Progress	Both sites were rezoned with affordable housing overlay zones in 2006. Annexation not initiated by Town following negative feedback from Marin LAFCO.
H-19F	<p>Architectural Design in Affordable/Market Rate Projects. Allow affordable units within a market rate development to vary in design from market rate units so long as the project is architecturally harmonious. Attached units, smaller units and other design variations from market rate units are permitted by the Town to reduce costs of providing affordable units and to act as an incentive for their construction</p>	CDD	Ongoing	Progress	Ordinance 493 N.S. (May 2006) codified this program (Section 16-2.8.53(b) of the Municipal Code.
H-20A	<p>Amend Secondary Dwelling Unit Ordinance. Prepare and adopt amendments to the Secondary Dwelling Unit Ordinance that eliminate the requirement for a Use Permit and establish a ministerial process for review and approval of secondary dwelling unit applications</p>	CDD	Highest	Completed	Ordinance adopted in 2003.
H-20B	<p>Provide Information to Homeowners. Provide an informational guide to homeowners explaining the benefits,</p>	CDD	Low	No progress	

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	“best practices” and procedures for adding or legalizing a secondary dwelling unit				
H-21	Focus Market Rate Development. Focus development of market rate units on vacant legal lots incapable of further subdivision and on undeveloped parcels that are too physically and/or non-governmentally constrained to support affordable housing projects	CDD	Ongoing	Ongoing	
H-22	Strengthen Existing Inclusionary Housing Regulations. Amend current Zoning Ordinance requirements to include smaller residential projects and increase the percentage of affordable units required in each project. Guidelines for amending the Zoning Ordinance include: a. Apply an in-lieu fee for residential projects involving 2 to 6 units (currently applies only to projects of 2-9 units) b. All residential projects of 7 to 12 units to provide new units at a rate of 15 percent affordable (currently 10% for projects of 10 units or more). c. All residential projects of 12 or more units to provide new units at a rate of at least 20 percent affordable (currently 10% for projects of 10 units or more). d. At least 10% of units designed for special needs households, 5% of which must be for handicapped users (current ratio is 5%)	CDD	High	Completed	Ordinance No. 493 N.S. (May 2006) enacted these provisions.
H-23	Jobs/Housing Fee. Adopt a Jobs/Housing Linkage Fee Ordinance that includes the following or similar exaction requirements: a. Exaction requirements for dwelling units and/or in-	CDD	Low	No progress	

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	<p>lieu fees should be set according to empirically based evidence and must comply with all other legal tests.</p> <p>b. The inclusion of affordable housing units within developments of hotels, offices, or other commercial buildings if feasible (options may include housing on-site, off-site, subsidizing mortgages or rents, or paying an in-lieu fee for housing production), or</p> <p>c. Payment into a Housing Trust Fund of in-lieu fees based on a dollar amount per square foot of office, commercial, and industrial building development.</p> <p>d. In-lieu fees would be waived in projects containing significant affordable housing components.</p>				

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