

III. HOUSING CONSTRAINTS

A. MARKET CONSTRAINTS

The housing element is required to include analysis of non-governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including the availability of financing, the price of land, the cost of construction and other non-governmental constraints.

While local government actions can have a significant effect on the production of housing, there are several market-related factors that may create barriers to housing production. The inventory of non-governmental constraints can be separated into two groups. In the first group, which would serve to increase housing costs to the consumer, are financing, land prices and construction costs. A second category of non-governmental constraints, which would serve to reduce or slow down housing development, are community opposition to higher density housing, possible lack of infrastructure capacity, and competition of different land uses for undeveloped land.

1. Vacant/Underdeveloped Land

Danville is a nearly built-out community with limited vacant or underutilized land available for residential development. **Table 29** lists vacant and underutilized sites that carry residential land use designations and zoning. This is a very comprehensive listing but, reflecting the fact the Town is nearing a built-out status, the majority of the sites are relatively small and have relatively limited housing yield. The period of annually constructing 250 to 350 new residential units has passed as the larger tracts of land, either available at the time of incorporation or made available through annexation, have been developed. The limited availability of land suitable for residential uses is ultimately a factor in pushing housing costs higher. The price of land is also one of the largest components of housing development costs. Land costs in the region are extremely high, with the cost of land in Danville being as high as virtually any area in the Bay Area region.

2. Cost of Housing Construction

Construction costs are the largest component of total costs for single-family attached and detached units, readily accounting for over 40 percent of the finished sale price. According to the Town's building permit fee schedule, construction costs for a typical wood frame single-family detached residence are assumed to be in the neighborhood of \$158.47 per square foot. For multiple family units, construction costs are slightly lower, assumed at \$140.63 per square foot, with the lower costs reflecting the ability to achieve economies of scale in these projects (e.g., savings from discounts for materials and cost averaging of equipment mobilization costs). High demand for residential development keeps land cost relatively high throughout the Bay Area, with land costs in the Tri-Valley region especially high, with some pressure due in part due to relative land scarcity.

3. Availability of Financing

The availability of financing affects a person's ability to purchase or improve a home. The disposition of loans can be determined based on information required to be released under the Home Mortgage Disclosure Act. Up through 2006, fully two-thirds of loans in the San Ramon Valley corridor were approved - with roughly 80% of such approvals being exercised. The subsequent financial credit squeeze, that fully expressed itself from 2008 forward, has resulted in very unusual times as regards to the ability to secure financing, especially financing for the purchase of homes.

4. Foreclosures

Many households nationwide purchased homes that were beyond their financial means during the first part of the decade. Of those, many households are unable to absorb hikes in interest rates, expiration of short-term fixed rates, and/or the decline in residential home prices set in motion the last couple of years. The result of these factors is a significantly larger rate of residential foreclosures. As of April 2009, approximately 125 homes in Danville had some form of foreclosure status (i.e., either a pre-foreclosure, auction, or bank-owned status) (Source: "www.all-foreclosure.com/foreclosures.htm-34k"). While it has been typical to see over half of homeowners facing default on their mortgages be able to work out financial arrangements to either keep their houses or sell them and pay off their debts, the current tight lending market is seeing a larger percentage of homeowners falling into default ultimately lose their homes.

B. GOVERNMENTAL CONSTRAINTS

1. Land Use Controls

The Danville 2010 General Plan sets forth policies that guide new development, including new residential development. These policies, together with existing zoning regulations, serve to control the amount and distribution of land allocated for different uses within the Town. The single family and multiple family residential land use designations established by the General Plan are reflected on **Table 20**. There are three single family residential land use designations, three multiple family land use designations and one crossover land use designations (that addresses the overlap of allowable single family and multiple family development densities) for a total of seven different residential land use designations. The land use designations provide for a range of development densities, ranging from rural densities (i.e., 1 dwelling unit/5 acres) to multiple family residential high/medium densities (i.e., 18-22 dwelling units/acre).

2. Residential Development Standards

The type, location and density of residential development in Danville are regulated through the Danville Municipal Code and through the development review process. The zoning regulations contained in the Municipal Code serve to protect and promote the health, safety, and general welfare of the residents of the community while also serving to implement the goals and policies of the general plan. **Table 21** summarizes the most pertinent residential standards for single family residential zoning districts. **Table 22** provides the same information for the multiple family residential zoning districts. In both tables, the zoning districts are grouped to show their relationship to the corresponding general plan land use designations.

Danville is divided into 21 Planning Areas, each distinguished by their location, unique characteristics, age, and natural or constructed boundaries. Reflective of the diversity of the residential areas in Danville, the minimum lot size to accommodate single family residential attached or detached development ranges from 4,000 to 100,000 square feet. This translates to densities ranging from 10.9 residential units per acre down to 0.43 residential units per acre. The allowable density in multiple family residential zoning districts ranges from four residential units per acre up to twenty-two units per acre. Higher densities in all districts are achievable through application of density bonus provisions.

All single family residential districts establish development standards for minimum lots area, building setbacks, lot width and depth and for building height. The multiple family residential districts address these areas and also establish standards for building coverage and for open space areas. Most multiple family residential projects processed by the Town utilize the P-1; Planned Unit Development process, which is encouraged under general plan policies and which provides project-specific standards for minimum lot area, building setbacks, building-to-building separation, building coverage, floor area ratio, minimum lot widths and depths, and maximum building heights.

Table 20

**RESIDENTIAL LAND USE CATEGORIES
- Town of Danville**

General Plan Land Use Designation	Zoning Districts		Density (du/ac)	Residential Types
	Consistent	Possible (1)		
Single Family Residential				
<i>Rural Residential</i>	P-1 & A-2	Other A Districts	1 du/5 acres	Detached single family residences with rural lifestyle
<i>Country Estate</i>	P-1, R-100, R-65 & R-40	A Districts	1du/ac	Detached single family residences with rural lifestyle
<i>Low Density</i>	P-1, R-40, R-20 & R-15	A Districts	1 - 3 dus/ac	Detached single family residences on large lots
<i>Medium Density</i>	P-1, R-12 & R-10	R-15 & A Districts	3 - 5 dus/ac	Detached single family residences on moderate-sized lots
<i>Single / Multiple Density</i>	P-1, D-1, R-7 & R-6	R-10 & A Districts	4 - 7 dus/ac	Detached single family and duet residences on smaller lots
Multiple Family Residential				
<i>Low Density</i>	P-1, M-12 & M-6	-	7 - 12 dus/ac	1- and 2-story duets, townhouses, condos and apartments
<i>Low / Medium Density</i>	P-1, M-17 & M-12	-	13 - 17 dus/ac	Larger-sized townhouses, condos and apartments
<i>High / Medium Density</i>	P-1, M-29 & M-17	-	18 - 22 dus/ac	Larger-sized townhouses, condos and apartments

Footnote: (1) The zoning districts listed in this column may be found consistent with the General Plan land use designation under certain circumstances, depending upon the specific use that is proposed.

Source: Danville 2010 General Plan. August, 1999.

Table 21

**SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS
- Town of Danville**

Development Standards / Zoning Districts	General Plan Land Use Designation and Zoning District										
	Single Family Residential - Country Estates			Single Family Residential - Low Density		Single Family Residential - Medium Density			Single/Multiple Family Residential		
	R-100	R-65	R-40	R-20	R-15	R-12	R-10	R-7	R-6	D-1	
<i>Maximum Density (du/ac)</i>	0.43	0.67	1.09	2.18	2.90	3.63	4.36	6.22	7.26	10.89	
<i>Minimum Lot Area (sq ft)</i>	100,000	65,000	40,000	20,000	15,000	12,000	10,000	7,000	6,000	8,000	
<i>Minimum Ave Lot Width (ft)</i>	200'	140'	140'	120'	100'	100'	80'	70'	60'	80'	
<i>Minimum Lot Depth (ft)</i>	200'	140'	140'	120'	100'	100'	100'	100'	90'	90'	
<i>Min Primary Front Yard Setback (ft)</i>	30'	25'	25'	25'	20'	20'	20'	20'	20'	20'	
<i>Min 2ndry Front Yard Setback (ft)</i>	25'	20'	20'	20'	15'	15'	15'	15'	15'	15'	
<i>Minimum Side Yard Setback (ft)</i>	30'	20'	20'	15'	10'	10'	10'	5'	5'	10'	
<i>Min Aggregate Side Yard (ft)</i>	60'	40'	40'	35'	25'	25'	20'	15'	15'	20'	
<i>Minimum Rear Yard Setback (ft)</i>	30'	30'	30'	30'	25'	25'	25'	20'	20'	15'	
<i>Maximum Bldg Height (stories/ft)</i>	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	
<i>On-site Parking Req'd (# spaces)</i>	2	2	2	2	2	2	2	2	2	2	

Footnote: (1) Development criteria for projects processed under the Planned Unit Development (P-1) District are established as project-specific development criteria. The P-1 approach may be considered for any residentially zoned property.

Sources: Town of Danville Municipal Code – Volume II Development, as amended by Zoning Text Amendment ZTA 2005-02 adopted by the Danville Town Council January, 2007.

Danville 2010 General Plan. August, 1999.

Table 22

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS
- Town of Danville

Development Standards / Zoning Districts	General Plan Land Use Designation and Zoning District						
	Single / Multiple Family Residential	Multiple Family Residential - Low Density		Multiple Family Residential - Low/Med Density	Multiple Family Residential - High/Med Density		
	M-6	M-9	M-12	M-17	M-29	P-1 (1)	
<i>Maximum Density (du/ac)</i>	4.0 -7.0	7.1 -9.0	9.1 -12.0	12.1 -17.0	17.1 -22.0	Varies	
<i>Minimum Lot Area (sq ft)</i>	7,200	4,800	3,000	2,500	1,500	Varies	
<i>Minimum Front Yard Setback (ft)</i>	25'	25'	25'	25'	25'	Varies	
<i>Maximum Bldg Coverage (%)</i>	25%	25%	25%	25%	35%	Varies	
<i>Minimum Open Area (%)</i>	25%	25%	25%	25%	25%	Varies	
<i>Min 2ndry Front Yard Setback (ft)</i>	20'	20'	20'	20'	20'	Varies	
<i>Minimum Side Yard Setback (ft)</i>	20'	20'	20'	20'	20'	Varies	
<i>Min Aggregate Side Yard (ft)</i>	40'	40'	40'	40'	40'	Varies	
<i>Minimum Rear Yard Setback (ft)</i>	20'	20'	20'	20'	20'	Varies	
<i>Maximum Bldg Height (stories/ft)</i>	2½/ 30'	2½/ 30'	2½/ 30'	2½/ 30'	2½/ 30'	Varies	
<i>On-site Parking Required (# spaces/du)</i>	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Studio-1 sp 1 BD-1½ sp 2 BD-2 sp 2+BD-2 sp	Varies
<i>Guest Parking Required (# spaces/du)</i>	¼ space/du (may be authorized as off-site)	¼ space/du (may be authorized as off-site)	¼ space/du (may be authorized as off-site)	¼ space/du (may be authorized as off-site)	¼ space/du (may be authorized as off-site)	¼ space/du (may be authorized as off-site)	Varies

Footnote: (1) Development criteria for projects processed under the P-1; Planned Unit Development District are established as project specific development criteria. The P-1 approach may be considered for any residentially zoned property.

Source: Town of Danville Municipal Code -Volume II Development, as amended by Zoning Text Amendment ZTA 2005-02 adopted by the Danville Town Council January, 2007.

The Town's parking requirements for residential projects varies by housing type. **Table 23** outlines the Town's parking requirements for residential developments. Single family residential units are required to have two spaces per unit. Zoning regulations were modified in the early 1980's to require parking supplied for single family residential units to be covered parking. The number of parking spaces required for multiple family residential units ranges from one space for each studio or one bedroom unit to two spaces for each unit with two or more bedrooms. To accommodate guests in multiple family residential projects, an additional one-quarter a parking space per unit must be provided. Residential lots that contain second units are required to have three parking spaces in order to meet the parking needs for both the primary residence and the second unit. Uncovered parking may be used for the parking requirement of the second unit.

Flexibility with regard to development standards is available in Danville through use of the following three mechanisms: (1) the use of the P-1; Planned Unit Development process; (2) through mixed use developments; and (3) through use of density bonus provisions. The vast majority of residential units developed in Danville since the early 1980's have utilized the P-1 zoning process. The P-1 zoning process allows for more imagination in a residential project by allowing flexibility to establish project specific residential development standards. The use of P-1 zoning process is encouraged to permit more flexible development standards on appropriate sites as a means of conserving open space, enhancing project aesthetics and amenities and ensuring high quality development.

Danville's general plan includes a Mixed Use land use designation. For Mixed Use sites where residential uses are allowed, densities of up to 22 residential units per acre may be permitted. This designation was created as a means of providing opportunities for residential development within established commercial areas or within pre-identified Special Concern Areas in Danville. There are several different forms of mixed use development existing or anticipated in Danville. For some sites, vertical integration of uses is encouraged (e.g., residential uses above commercial uses). For larger mixed use sites (e.g., possible future uses for the Wood Ranch Headquarters site), the designation would allow for the presence of multiple uses on a single parcel, and the uses may be side-by-side as well as, or instead of, vertically integrated.

The State's density bonus law, having been significantly modified in 2004 by SB1818, can be considered a voluntary inclusionary housing ordinance providing large incentives to developers who include specified amounts of affordable housing in their projects. SB1818 requires cities and counties to grant developers both density bonuses of 20 to 35 percent, depending on the amount and type of affordable housing provided, and "concessions" - exceptions from normally applicable zoning and other development standards.

Qualifying projects would be projects of five or more units where at least one of the following occupancy characteristics is present: a minimum of 5 percent of the units are for very low income households; a minimum of 10 percent of the units are for low income households; 10 percent of the units are for moderate income households and the project is a qualifying common interest, for-sale project; or 100 percent of the units are in a senior citizen project (with no corresponding standard for affordability).

Table 23

PARKING REQUIREMENTS
- Town of Danville

RESIDENTIAL TYPE	SPACES REQUIRED PER UNIT
Single-Family Units	Two covered spaces
Duet Units	Two covered spaces
Multifamily Units (1) (townhouse, apartments or condominiums)	
<i>Studio units</i>	One space (2)
<i>One-bedroom units</i>	One and one-half spaces (2)
<i>Units with two or more bedrooms</i>	Two spaces (2)
Mobile Homes	Two covered spaces
Second Units	One space – may be uncovered

Footnotes: (1) One half of the resident parking for multiple family residential projects must be covered or enclosed parking. Senior housing projects may be considered for reduced parking on a case-by-case basis. Use of enclosed tandem parking may be considered on a case-by-case basis.

(2) Required guest parking for multiple family residential projects is one-quarter a parking space per unit. Guest parking may be provided as curbside parking along the project frontage.

Source: Town of Danville Municipal Code - Volume II Development, as amended by Zoning Text Amendment ZTA 2005-02 adopted by the Danville Town Council January, 2007.

The development review process utilized in Danville since the implementation of inclusionary housing program in the early 1990's has seen the vast majority of projects subject to the program secure approvals at the top end of their respective allowable density ranges (i.e., 29 of 35 projects – see **Table 37**). Of the projects that did not maximize their development yield, three were kept below the maximum yield as a result of developer market decisions, two were kept below the maximum yield in response to, among other considerations, neighborhood opposition expressed during the development review process, and one was held to a mid-point density development yield due to site-specific language contained in the general plan (i.e., the 22-unit infill Weber/Davidon project - directed by the Danville 2010 General Plan, as one of twelve identified Special Concern Areas, to develop at the mid-point of allowable development density to address neighborhood compatibility impacts).

The governmental constraints “burden” associated with Danville’s inclusionary regulations is softened by the fact that the target units under the program are linked to moderate income households that may earn up to 110% of the published median income for the area. The “subsidy gap” between the market value of such units and their below market rate value is therefore significantly less than would be the case if the inclusionary housing program sought to secure units for very low and/or low income households. The “burden” is further softened by the fact that the Alameda County/Contra Costa County area is a relatively high income area, meaning the financial return from below market rate units is comparably higher than other areas as allowable sales prices and allowable rental rates are set as a function of relatively higher maximum allowable income levels.

For a relative perspective of the governmental constraints “burden”, the program’s impact on the recently completed 38-unit for-sale Iron Horse Crossing condominium project can be assessed. That project successfully secured an affordable-by-design designation, as provided for under its amended affordable housing agreement, in recognition that more than 80% of the units will reflect market rate pricing that puts the sales prices of the units at a level that is lower than had been mandated by the original version of the project’s affordable housing agreement. With roughly one third of the project units sold or under contract as of November 2009, the market rate sales prices (i.e., sales prices in the \$359,900.00 to \$369,900.00 range) are below the \$372,100.00 maximum sales price established under the original affordable housing agreement.

The designation of this project as an affordable-by-design project represents the second instance of such designation for a for-sale project since the inception of the inclusionary housing program, showing that the situation is not unique to the current market conditions. The initial instance of a for-sale affordable-by-design designation involved the 248-unit California Shadowhawk project built in the early 1990’s on the east side of Danville.

Also critical to the question of governmental constraint “burden” is the flexibility that has been integrated into the program since its inception.

From the onset, developers have had the option to pay an in-lieu fee to satisfy their inclusionary obligation. In the program's twenty year history, only one project has elected to pursue the in-lieu fee option. That one project, the 88-unit Stoneybrook project in the Downtown area, choose the in-lieu inclusionary fee option in response to the fact it was subject to the more stringent California Community Redevelopment Law (CRL) inclusionary standards given its location within the redevelopment project area. The payment of an in-lieu fee satisfied the project responsibility to provide fifteen below market rate units split between moderate income units (nine required) and very low income units (six required). The in-lieu fees collected from the project provided an important portion of the financial subsidy for the 75-unit Bridge Housing/Town of Danville affordable housing apartment project that provides housing to a mix of extremely low and very low income senior households.

Additional flexibility in the program is reflected by the fact that the target below market rate units required under Danville's inclusionary program may be provided as either for-sale or for-rent units and the target units are allowed to be developed as a housing product type that can vary from the product type used for the market rate units in the project. The majority of the initial projects developed under the inclusionary program were on sites carrying a Residential - Single Family - Medium Density (3-5 dus/acre) designation. The "solution" to meet the inclusionary requirements in these early projects was often to situate duet-style below market rate units at corner locations among the single family detached market rate units in the project. The residential massing of the below market rate (BMR) units on these select corner locations have the appearance of being comparatively large single family units as the design of the duet units largely hid the presence of two two-car garages. This approach allowed the BMR units to occupy a minimal amount of land area in the project (typically 5%+/- of the land area even though the BMRs constitute 10% of the project unit count) - meaning larger units on larger lots could be provided for the market rate section of the project. Additionally, the below market rate units were allowed to be significantly smaller than even the smallest market rate unit in the project. In the 146-unit Tassajara Ridge project, a representative project using duet-style units as their BMR units, the 14 BMR units averaged 1,375 square feet in area with the market rate units ranging in size from 1,941 square feet to 2,456 square feet. The initial sales prices in the project hovered around \$200.00 a square foot, regardless of whether the unit was a market rate unit or a BMR.

Further flexibility in the program was provided when the Inclusionary Ordinance was amended in the late 1990's. In recognition that the duet-style "solution" for for-sale BMRs did not as readily fit into single family residential projects developed at lower densities (i.e., projects on lands carrying a Residential - Single Family - Low Density 1-3 dus/acre designation), an option was created through the amendments to allow the inclusionary requirement to be met through the development of second units in the project. In the place of supplying 10% of the units as for-sale units available to households earning a maximum of 110% of the median income, the developer could now choose to equip 25% of the units developed with turn-key attached or detached second dwelling units. Second units established through the Inclusionary Housing program are subjected to deed restrictions obligating the property owners, where rental income is derived from the units, to verify the units are occupied by qualifying low income households and that the rent levels are set to be $\leq 30\%$ of actual household income. The

developer experience on the projects choosing this option (nine of 34 projects to date developed subject to inclusionary requirements) has been that the square footage involved with the requisite second units can be absorbed at market rate values (i.e., purchasers of the paired primary and secondary units are paying the same per square footage rate for the secondary units – often marketed as “Casitas” – as they paid for the square footage contained in the primary residence).

For projects providing for-rent housing, further flexibility has been provided under Danville’s inclusionary housing program. The two for-rent projects that secured entitlement approvals under the inclusionary regulations (i.e., Greentree Manor Apartments and Rose Garden Apartments) qualified, and continue to qualify, as affordable-by-design projects. The affordable-by-design designation was provided for under the respective affordable housing agreements. This designation reflects the fact that the continuing “softness” of rental rates keeps the market rate rent schedules for these projects at levels that place 100% of the project units at rent levels affordable to median income households. This means that 100% of the units in these projects have market-rate rent levels that are a minimum of 10% lower than the otherwise mandated rent levels that would have been required for BMRs developed under the respective affordable housing agreements. This condition reflects the fact that the affordability of projects is inherent to the product selection - i.e., affordability is being achieved as a result of the underlying land use designation effectively dictating that the sites be developed with high/medium density multiple family housing.

The flexibility provided in Danville’s inclusionary housing program, coupled with the length of time the program has been operational (going on twenty years as of 2010) means the program does not represent a governmental constraint to housing development. The first 33 of the 35 projects approved with an inclusionary housing program obligation have been built and occupied. The approval of the 34th project was put aside following a legal challenge by neighbors and the 35th project was an owner-initiated application to increase the property’s sale value (i.e., the Elworthy project, which continues to be held by the historic family ownership and which will not be actively marketed to residential builders until market conditions change).

In general terms, the Town’s residential development standards do not act as a constraint to the development of new housing and affordable housing. For the ten-year period extending from 1985 through 1995, Danville’s development review process provided for a 36.5% increase in housing units, adding housing units at an average annual rate of over 350 units per year. While the next ten year period (1995 through 2005) saw the percentage in the increase of total housing units shrink by roughly one half, the 18.8% additional increase that was realized converts to just less than a 250 unit per year production rate (**refer to Table 2**). Residential housing unit production following this 20 year development spike has measurably slowed down, reflecting both a “soft landing” scenario seen as the Town moves towards a built out condition and reflecting constraints presented by the combination of high land costs and high construction costs. The construction of affordable housing, a subset of all construction, is further constrained by the availability of funding to cover the subsidy gap necessary to make projects affordable.

3. Provision of a Variety of Housing

The housing element must identify adequate sites that are to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes, among other housing product categories, single family residential housing, multiple family residential housing, second dwelling units, assisted living facilities, factory-built housing, mobile homes, emergency shelters, and transitional and supportive housing. **Table 24** summarizes the housing types permitted within the various residential zoning districts in Danville. Danville's zoning and development standards provide for a diversity of housing types for a wide economic spectrum of the community, including those earning lower income, seniors, disabled, etc. All three of Danville's multifamily residential land use designations (i.e., Low Density 7-12 dus/ac; Low/Medium 13-17 dus/ac; and High/Medium 18-22 dus/ac) preclude development below the minimum range of their respective density scales. The policies were incorporated into the General Plan as part of the 1999 update to the Plan. The minimum density policy reflected a Town goal of prohibiting an erosion of the housing development yield on the remaining vacant or underutilized multiple family residential parcels in Danville. Concurrent with these changes, the 1999 update to the General Plan split the historic land use designation of Multiple Family - Medium Density 13-21 dus/acre into two categories and changed the upper density limit allowed from a maximum of 21 units per acre to a maximum of 22 units per acre. The new Residential - Multiple Family - High/Medium land use category was created with a conscious intent to direct development away from attached for-sale townhouse product toward attached for-rent multiple family product.

Table 24

HOUSING TYPES PERMITTED BY ZONING DISTRICT
- Town of Danville

Housing Types Permitted	Single Family Residential Zoning Districts										
	P-1	R-100	R-65	R-40	R-20	R-15	R-12	R-10	R-7	R-6	D-1
Residential Uses											
<i>Single-family detached</i>	p	p	p	p	p	p	p	p	p	p	p
<i>Single-family attached</i>											p
<i>Second units</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Mobile Home</i>	p	p	p	p	p	p	p	p	p	p	
<i>Manufactured Home</i>	p	p	p	p	p	p	p	p	p	p	
Special Needs Housing											
<i>Transitional/Supportive (1)</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Emergency Shelter (2)</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Single-Room Occupancy</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Resid'nl Care Facility (<8 beds)</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Resid'nl Care Facility (>8 beds)</i>	c	c	c	c	c	c	c	c	c	c	c
Housing Types Permitted	Multiple Family Residential Zoning Districts						The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. single-room occupancy units				
	P-1	M-6	M-9	M-12	M-17	M-29					
Residential Uses											
<i>Single-family detached</i>		p	p	p							
<i>Single-family attached</i>		p	p	p	p	p					
<i>Multiple family (3 or more)</i>	p	p	p	p	p	p					
<i>Duet</i>	p	p	p	p	p	p					
<i>Second units</i>	c	c	c	c	c	c					
<i>Mobile Home</i>											
<i>Manufactured Home</i>											
Special Needs Housing											
<i>Transitional/Supportive</i>	c	c	c	c	c	c					
<i>Emergency Shelter</i>	c	c	c	c	c	c					
<i>Single-Room Occupancy</i>	c	c	c	c	c	c					
<i>Resid'nl Care Facility (<8 beds)</i>	p	p	p	p	p	p					
<i>Resid'nl Care Facility (>8 beds)</i>	c	c	c	c	c	c					

Table Key: p = Permitted use c = Use subject to issuance of a Land Use Permit

- Footnotes: (1) Transitional or supportive housing would serve the housing needs of special populations such as the developmentally disabled persons, individuals recovering from substance abuse problems, etc.
- (2) Emergency shelter housing would serve the housing needs of special populations such as the battered women, homeless, etc.

Source: Town of Danville Municipal Code - Volume II Development, as amended by Zoning Text Amendment ZTA 2005-02 adopted by the Danville Town Council January, 2007.

Senate Bill 2, enacted in October 2007, requires local governments to identify one or more zoning categories that allow emergency shelters without discretionary review. The statute permits the Town to apply limited conditions to the approval of ministerial permits for emergency shelters. The identified zone must have sufficient capacity to accommodate at least one year-round shelter and accommodate the Town's share of the regional unsheltered homeless population estimated to be less than five individuals.

The Town will amend the Municipal code within one year of adoption of the Housing Element to permit homeless shelters with a ministerial permit within the DBD; Downtown Business District - Area 3 Old Town Mixed Use zone consistent with State law. Properties zoned DBD - Area 3 is located within the Downtown core and are directly served by, or proximate to, the major transportation corridors represented by Hartz Avenue, Diablo Road and I-680. The DBD – Area 3 zone covers approximately thirteen acres on fifteen parcels. Adequate capacity exists either on vacant and underutilized properties, or through conversion of existing buildings, to accommodate an appropriately sized homeless shelter. The Municipal Code will also be amended to provide a definition of homeless shelters that is consistent with the definition contained within Health and Safety Code Section 50801(e).

There are numerous types of residential care facilities that, under state law, may be located in a jurisdiction with limited local discretionary review. The preemptions include the following types of residential care facilities:

- Health facilities (care for developmentally disabled and skilled nursing care) *California Health and Safety Code Sections 1267.8, 1267.9*
- Community care facilities (covers all other types of care not already noted for adults and children) *California Health and Safety Code Sections 1566.3, 1567.1*
- Residential care facilities for the elderly *California Health and Safety Code Sections 1568.083, 1568.0831, 1569.85*
- Alcoholism recovery and drug abuse facilities *California Health and Safety Code Sections 11834.02 - 11834.30*
- Family day care homes (day care for children) *California Health and Safety Code Sections 1596.70 - 1596.795, 1597.40 - 1597.47, 1597.65*
- Homes or facilities for mentally disordered, handicapped, or dependent and neglected children *California Welfare and Institutions Code Sections 5115 – 5120*

Certain types of the residential care homes are allowed under state law to be subjected to standards dealing with potential overconcentration have standards.

4. Growth Management Program

In 1988, Contra Costa County residents approved Measure C 1988, which increased the sales tax rate in the County by ½ cent to fund a variety of major transportation projects. The measure linked the development of the transportation projects to a requirement that participating jurisdictions, among other requirements, each adopt a growth management element as part of their respective general plans.

Danville's adopted Growth Management Element establishes level of service standards for traffic for particular types of land uses and performance standards to be maintained through capital projects for urban services (e.g., water, gas, electricity, and sewer) and public services (e.g., police, fire, schools, parks and recreation). These performance standards are designed to ensure that new development covers its fair share of the cost of the development of infrastructure and of public facilities and urban services. As new development is authorized through approvals of general plan amendment studies, it must be demonstrated that the respective level of service standards and performance standards identified in the Growth Management Element will be met.

The Town will continue to enforce its Growth Management Element as a means to assure orderly growth. With the recent voter approval to extend the ½ cent sales tax, it will be necessary and appropriate to revisit the Town's Growth Management Element service standards and performance standards as part of the upcoming General Plan update to assure the intent and requirements of the voter approved measure are met.

Implementation of Measure C 1988 and adoption of its Growth Management Element has not prevented Danville from meeting its housing obligations. Instead, Measure C 1988, and the various resultant Growth Management Elements required under the program, has led to a more coordinated planning effort that has provided a mechanism to support and enhance development throughout Contra Costa County.

5. Dougherty Valley Settlement Agreement

The Town of Danville, Contra Costa County, the City of San Ramon and the developers of Dougherty Valley executed the Dougherty Valley Settlement Agreement in 1994 in conjunction with the County approval of the Dougherty Valley General Plan Amendment. The legally binding agreement requires full mitigation for any subsequent projects involving approvals of general plan amendments and contains provisions for future growth management that must be met, including traffic level of service standards and performance standards for other urban services.

6. Site Improvements, Development Impact Fees and Processing Fees

An important component of new residential development costs are costs associated with site improvements. Site improvements costs are incurred to provide sanitary sewer and water service to a project, to make necessary transportation improvements and to provide other infrastructure to a project. The Town may require a residential development project to pay for various offsite improvements as project mitigation measures (e.g., payment towards an offsite traffic signal).

The developers of new residential projects are also required to construct all internal streets, sidewalks, curb, gutter and affected portions of offsite arterials. As the cost of site improvements varies measurably from project to project, it is difficult to estimate what the “typical” per-unit cost is for site improvements. Even in the case of infill projects, where infrastructure may already be present, there is often a need to upgrade and/or expand the existing improvements in response to the addition of new residential development. The Town collects fees from new development projects to cover costs of planning and processing permits, which will include plan check and inspection fees as the project proceeds into the construction phase of development.

A variety of development impact fees are often assessed upon new residential projects, including both Town controlled fees (such as child care fees and park land in-lieu fees) and non Town controlled fees (such as regional traffic mitigation fees and school impact fees). Another major component of project costs is utility service connection fees (e.g., sewer and water connection fees).

Taken collectively, the various planning and processing fees, development impact fees and utility service connection charges can add significantly to the cost of housing. **Tables 25, 26 and 27** indicate typical costs associated with new residential developments, indicating, respectively, the costs for new single family projects, for apartment projects and for second units.

Requiring developers to construct site improvements and/or pay fees towards the provision of infrastructure, public facilities, services, and permit processing will increase the cost of housing. While these costs may impact housing affordability, these requirements are deemed necessary to maintain the quality of life desired by Danville residents and are considered consistent with the goals of the Danville 2010 General Plan.

A typical single family project could expect processing fees, impact fees and utility service connection charges of almost \$105,000 per lot. Of that total, approximately \$27,700 per lot would be Town-controlled processing fees and impact fees. A typical apartment project could expect processing fees, impact fees and utility service connection charges of almost \$33,000 per unit. Of that total, approximately \$10,600 per unit would be Town-controlled processing fees and impact fees. A typical second dwelling unit could expect processing fees, impact fees and utility service connection charges of almost \$21,000. Of that total, approximately \$5,200 would be Town-controlled processing fees and impact fees.

Table 25

**ESTIMATE OF DEVELOPMENT FEES FOR A SINGLE FAMILY
RESIDENTIAL DETACHED PROJECT
- Town of Danville**

Estimate of processing fees, impact fees and utility connection charges that would be imposed on an eight lot single family residential detached project with two detached below market rate second units:

1. Town Planning Application / Plan Check and Inspection Fees	
a. Design Review Board	\$ 1,320
b. Environmental Assessment	880
c. Preliminary Development Plan - Rezoning application (1)	3,630
d. Final Development Plan	660
e. Tentative Map application	2,420
f. Notice of Exemption	50
g. Building Permit Plan Check and Building Inspection (2)	11,295/lot
h. Microfilm	258/lot
i. Finished grade	86/lot
j. Improvement Plan Check (3)	1,025/lot
k. Street lighting (assumes two lights) (4)	250
l. Map Checking (assumes 8 mapping lots) (5)	432/lot
m. Base Map Revision (assumes 8 mapping lots)	83/lot
n. Engineering Inspection (6)	1,750/lot
o. Grading Plan Check / Inspection and Permit (7)	925/lot
p. Public Hearing Notification	35/lot
q. Planning Review of Building Permit	<u>220/lot</u>
Subtotal	\$138,082 (\$17,260/lot)
 2. Development Impact Fees (Danville)	
a. Park land in-lieu	8,634/lot
b. Transportation Improvement Program, Residential	1,400/lot
c. Child Care Facilities	335/lot
d. National Pollutant Discharge Elimination	<u>47/lot</u>
Subtotal	\$83,328 (\$10,416/lot)
 3. Development Impact Fees (non-Danville)	
a. Southern Co. Co. Regional Transportation	\$ 1,104/lot
b. Southern Co. Co. Sub-Regional Transportation	3,047/lot
c. Drainage Area 10 (CCCFC&WCD) (\$0.34/sf impervious area)	560/lot
d. Tri-Valley Transportation Development	2,036/lot
e. Seismic Mitigation Impact Program	72/lot
f. San Ramon Valley Unified School District (\$1.84/ft.)	6,946/lot
g. San Ramon Valley Fire Protection District (plan check)	<u>25/lot</u>
Subtotal	\$110,320 (\$13,790/lot)

4. Utility District Connection Charges

a. EBMUD (water) capital facilities and connection fees	\$ 29,683/lot
b. CCCSD (sewer) capital facilities and connection fees	<u>5,234/lot</u>
Subtotal	\$349,170 (\$34,917/lot)
TOTAL	\$680,900 (\$85,112/lot)

- Footnotes:
- (1) Time and materials charge covers cost for staff time necessary to process the permit. Deposit amounts are set at the assumed average cost to provide the service. If the cost to provide the service exceeds the deposit, the applicant is billed for the cost overrun. If the cost to provide the service is less than the deposit, then the unused balance from the deposit is refunded to the applicant.
 - (2) Assumption is eight single family residential detached units averaging 3,775 square feet of conditioned space, 925 square feet of garage space, 550 square feet of covered porch area and two 750 square feet second units, each with a 125 square foot garage and with 200 square feet of covered porch area. Assumed total building valuation per current Building Division fee schedule is \$5,775,000+/-.
 - (3) Improvement Plan Check fee is 3.0%+/- of the estimated cost of street, drainage and landscaping improvements.
 - (4) Street lighting fee is the project cost of one year of operational cost plus 10%.
 - (5) Map Check fee is directly based on the number of lots shown on the final map.
 - (6) Engineering Inspection fee is 5.0%+/- of the estimated cost of street, drainage and landscaping improvements.
 - (7) Grading Plan Check fee is 1.5 % +/- of the estimated cost of the grading construction cost plus a volume fee. Grading Inspection / Permit fee is a volume-based fee.

Sources: Town of Danville Development Services Department. March, 2009

EBMUD. May, 2009

CCCSD. May, 2009

Table 26

**ESTIMATE OF DEVELOPMENT FEES FOR AN APARTMENT
PROJECT
- Town of Danville**

Estimate of processing fees, impact fees and utility connection charges that would be imposed would be imposed on a 34-unit apartment project with enclosed parking:

1. Town Planning Application / Plan Check and Inspection Fees	
a. Design Review Board	\$ 1,320
b. Environmental Assessment	880
c. Preliminary Development Plan - Rezoning application (1)	5,500
d. Final Development Plan	2,420
e. Tentative Map application	2,420
f. Notice of Exemption	50
g. Building Permit Plan Check and Building Inspection (2)	2,255/unit
h. Microfilm	54/unit
i. Finished grade	67/unit
j. Improvement Plan Check (3)	362/unit
k. Street lighting (assumes two lights) (4)	250
l. Map Checking (in anticipation of condominium map) (5)	88/unit
m. Base Map Revision (assumes 7 mapping lots)	11/unit
n. Engineering Plan Check and Inspection (6)	603/unit
o. Grading Plan Check / Inspection and Permit (7)	75/unit
p. Public Hearing Notification	15/unit
q. Planning Review of Building Permit	<u>1,080</u>
Subtotal	\$133,940 (\$3,939/unit)
2. Development Impact Fees (Danville)	
a. Park land in-lieu	\$ 4,950/unit
b. Residential Transportation Improvement Program	1,400/unit
c. Child Care Facilities	115/unit
d. National Pollutant Discharge Elimination	<u>188/unit</u>
Subtotal	\$226,202 (\$6,653/unit)
3. Development Impact Fees (non-Danville)	
a. Southern Co. Co. Regional Transportation	\$ 4,139/unit
b. Drainage Area 10 (CCCFC&WCD) (\$0.34/sf impervious area)	391/unit
c. Tri-Valley Transportation Development	1,290/unit
d. Seismic Mitigation Impact Program	19/unit
e. San Ramon Valley Unified School District (\$1.84/ft.)	1,914/unit
f. San Ramon Valley Fire Protection District (plan check)	<u>25/unit</u>
Subtotal	\$264,452 (\$7,778/unit)
4. Utility District Connection Charges	
a. EBMUD (water) capital facilities and connection fees	\$ 15,825/lot
b. CCCSD (sewer) capital facilities and connection fees	<u>4,923/lot</u>
Subtotal	\$705,432 (\$20,748/unit)
TOTAL	\$913,162 (\$26,858/unit)

- Footnotes:
- (1) Time and materials charge covers cost for staff time necessary to process the permit. Deposit amounts are set at the assumed average cost to provide the service. If the cost to provide the service exceeds the deposit, the applicant is billed for the cost overrun. If the cost to provide the service is less than the deposit, then the unused balance from the deposit is refunded to the applicant.
 - (2) Assumption is a 34-unit apartment condominium multiple family residential project averaging 1,040 gross square feet per unit, 282 square feet of garage space per unit, and 80 square feet of covered porch or deck area per unit. Assumed total building valuation per current Building Division fee schedule is \$6,275,000+/-.
 - (3) Improvement Plan Check fee is 3.0%+/- of the estimated cost of street, drainage and landscaping improvements.
 - (4) Street lighting fee is the project cost of one year of operational cost plus 10%.
 - (5) Map Check fee is directly based on the number of lots shown on the final map.
 - (6) Engineering Inspection fee is 5.0%+/- of the estimated cost of street, drainage and landscaping improvements.
 - (7) Grading Plan Check fee is 1.5 % +/- of the estimated cost of the grading construction cost plus a volume fee. Grading Inspection / Permit fee is a volume-based fee.

Sources: Town of Danville Development Services Department. March, 2009

EBMUD. May, 2009

CCCSD. May 2009

Table 27

**ESTIMATE OF DEVELOPMENT FEES FOR
SECOND DWELLING UNITS
- Town of Danville**

Estimate of processing fees, impact fees and utility connection charges that would be imposed upon a 750 square foot detached second dwelling unit with a 120 square foot garage and a 200 square foot attached porch area where a public hearing is required due to setback exceptions:

1. Town Planning Application / Plan Check and Inspection Fees	
a. Land Use Permit	\$ 1,320
b. Categorical Exemption	50
c. Building Permit Plan Check and Building Inspection	3,450
d. Microfilm	75
e. Finished grade	69
f. Public Hearing Notification	145
g. Planning Review of Building Permit	<u>75</u>
Subtotal	\$ 5,184
 2. Development Impact Fees (Danville)	
a. Park land in-lieu	exempt
b. Residential Transportation Improvement Program	exempt
c. Child Care Facilities	exempt
d. National Pollutant Discharge Elimination	<u>exempt</u>
Subtotal	exempt
 3. Development Impact Fees (non-Danville)	
a. Southern Co. Co. Regional Transportation	\$ exempt
b. Drainage Area 10 (CCCFC&WCD) (\$0.34/sf impervious area)	364
c. Southern Co. Co. Sub-Regional Transportation	exempt
d. Tri-Valley Transportation Development	exempt
e. Seismic Mitigation Impact Program	17
f. San Ramon Valley Unified School District (\$1.84/ft.)	1,380
g. San Ramon Valley Fire Protection District (plan check)	<u>25</u>
Subtotal	\$ 1,786
 4. Utility District Connection Charges	
a. EBMUD (water) application, meter & system capacity charge	\$ 9,000
b. CCCSD (sewer)	<u>5,000</u>
Subtotal	\$ 14,000
TOTAL	\$ 20,970

Sources: Town of Danville Development Services Department. March, 2009
 EBMUD. May, 2009
 CCCSD. May 2009

7. Environmental and Development Review and Permitting Process

The development review and permitting process is utilized to receive, evaluate and approve new development applications. The development review and permitting process is necessary to ensure that new residential projects develop in an orderly manner, reflective of the goals and policies of the General Plan and consistent with the intent and requirements of the Municipal Code. This process is utilized, in part, to assure that new projects will be consistent with the Town's character and respectful of the natural and man-made landscape.

Danville stresses an efficient and comprehensive approach to development review and permitting which, as a whole, allows for quick response to developer applications. The planning staff coordinates the review of development proposals by other Town staff and by San Ramon Valley Fire Protection District, other service districts, and by other outside agencies. **Table 28** depicts a representative processing and timeline flow chart for a major residential project, assumed to include a preliminary development plan - rezoning action. The Town can reduce the time and uncertainty involved in development permits by use of pre-submittal meetings (to secure preliminary comments on a proposal from Development Services Department and Transportation Division staff) and by providing early access to the Design Review Board review process.

The Design Review Board (DRB) serves in an advisory role to the Planning Commission for the review of the design aspects of development entitlement requests. The DRB make-up has been consciously structured by the Town to include a minimum of two (and up to a maximum of three) Planning Commission members among its five- to six-member makeup. This format has served, as evidenced by regular and ongoing review of the DRB process, to provide the desired separation of design issues from land use issues as projects move through the entitlement review process from DRB on to the Planning Commission, where formal public hearing review and action occurs. By having an overlap between the two bodies, there is both less frequency of having design issues revisited once the matter is before the Planning Commission and less frequency of having DRB's review venture inappropriately into review of land use considerations.

Where DRB's role is expanded beyond that of an advisory body, the expansion of authority is provided (either by project conditions of approval or, in the case of review of signs, by ordinance authority) to streamline the review process. In the most frequent expression of this expanded authority, the Planning Commission empowers the DRB, through project conditions of approval, with the authority to make final review of project construction design details leading up to a project's submittal for building permit plan check review. This allows DRB to both stay in the loop on the final review of design matters and allows the process to be a one-stop process (i.e., avoiding a need to have these types of construction-detail design matters from having to go back to the Planning Commission). By utilizing this process, the permit review is further streamlined by way of allowing design details to be addressed at the back end of the process rather than forcing detailed design studies to be provided prior to the project moving to public hearing,

To add developer certainty to the DRB review process, the Town recently amended the Design Guidelines of the DBD; Downtown Business District providing, among other things,

Table 28

**TYPICAL PROCESSING STEPS AND TIMELINE FOR A
RESIDENTIAL PUD - REZONING & MAJOR SUBDIVISION
- Town of Danville**

TASK	TIMING	ACTION/ NOTES
Pre-submittal	WK 1-4	
• Pre-submittal mtg. applicant & staff	WK 1	• Applicant explains project concept
• Development Advisory Meetings	WK 2-3	• Staff review of uses and site layout
• Design Review Board kick-off	WK 2-3	• Staff review of proposed architecture
• Issue / Comment list formulated	WK 3-4	• Determine merit for a PC study session
• Inclusionary Housing game plan	WK 3-4	• Project layout / yield implications
Formal Application Submittal	WK 5-9	
• Formal Project Submittal	WK 5	• Start of 30-day Complete/Incomplete Period
• Agency Distribution	WK 7	• Public agencies / public groups
• Public notified of submittal	WK 7	• 750-foot radius mailing list & HOAs
• Scope of Traffic Study Formulated	WK 8	• Applicant funds-our consultant shortlist
• Scope of Noise Study Formulated	WK 8	• Applicant funds-our consultant shortlist
• Scope of Hydraulic Study Formulated	WK 8	• Applicant funds-our consultant shortlist
• Scope of Tree Survey Formulated	WK 8	• Applicant funds-our consultant shortlist
• Complete / Incomplete Letter	WK 7-9	• What's needed / major issues
Applicant / Neighborhood meeting	WK 6-12	• Virtually any project going on to public hearing will involve an applicant-initiated neighborhood meeting(s) at HOA site or Town Offices
Development Advisory Meeting(s)	WK 6-15	• # meetings tied to issues / # of re-submittals
Design Review Board Meeting(s)	WK 2-12	• # meetings tied to issues / # of re-submittals
Receipt of Special Studies / Revisions	WK 10-16	• Becomes the heart of the Mitigated Negative Declaration of Environmental Significance (MND) to be prepared for project. Project redesign and/or binding commitment to project conditions to eliminate potential impacts
• Traffic Study		
• Noise Study		
• Hydraulic Study		
• Tree Survey		
Preparation / Distribution of MND Documents	WK 6-22	
• Consultant Selection	WK 6-8	• If MND is prepared by outside consultant
• Public Scoping Session	WK 10-14	
• Preparation of Initial Study	WK 10-16	
• Distribution/Review of MND	WK 16	
• Public Review Period	WK 17-22	• Either 21 or a 30 day State review is required
Preparation of Staff Report / Conditions	WK 16-22	• For Parks & Leisure Services and Planning Commission meetings

Public Hearing Process	WK 16-30	
• Parks & Leisure Services meeting	WK 16-20	• Tree, creeks and trail issues
• Public notified of PC hearing	WK 17	• 750-foot radius mailing list & HOAs
• 1st Planning Commission Hearing	WK 22	
• 2nd PC Public Hearing (if necessary)	WK 24	
• Public notified of TC hearing	WK 25	• 750-foot radius mailing list & HOAs
• 1st Town Council Public	WK 27	
• 2nd TC Public Hearing	WK 29	
Issuance of Final Action Letter	WK 30	• Rezoning has 30-day effective date
Notice of Determination	WK 30	• Affects exposure to legal challenge
Submittal of Grading Permit for plan check	WK 36-46	
• Submittal of compliance checklist	WK 36	• Showing compliance to conditions
• Development Advisory Meeting	WK 38-40	• Review relative conditions of approval
• 1 st Plan Check comments	WK 39-41	• Listing of all Town comments on plan
• Re-submittal for final plan check	WK 41-43	• Improve. Plans req'd to be thru 1 st plan check
• Issuance of Grading Permit	WK 42-44	• Bonding required at permit issuance
• Grading commences	WK 46-48	• Timing of year becomes critical
Submit Improvement Plans for plan check	WK 40-50	• Typically with Final Map - addresses physical improvements and off-site work
• Updated compliance checklist	WK 40	• Showing compliance to conditions
• Development Advisory Meeting	WK 42-44	• Review relative conditions of approval
• 1 st Plan Check comments	WK 43-45	• Listing of all Town comments on plan
• Re-submittal for final plan check	WK 45-48	• Final Map req'd to be thru 1 st plan check
• Approval of Improvement Plans	WK 48-50	
Submit Final Map for plan check	WK 40-52	• Typically w/ Improvement Plans (creates lots)
• Updated compliance checklist	WK 40	• Showing compliance to conditions
• Development Advisory Meeting	WK 42-44	• Review relative conditions of approval
• 1 st Plan Check comments	WK 43-45	• Listing of all Town comments on plan
• Re-submittal for final plan check	WK 45-48	• Sub'd Improvement Agreement/Bonds
• Schedule for Town Council Action	WK 46-50	
• Affordable Housing Agreement	WK 46-50	• With Council action on Final Map
• Town sign-off of Final Map	WK 51-52	• Recordation Final Map and Housing Agreement
Submittal of for Building Permits	WK 40-57	
• Updated compliance checklist	WK 40	• Showing compliance to conditions
• Development Advisory Meeting	WK 42-44	• Review relative conditions of approval
• 1 st Plan Check comments	WK 43-45	• Listing of all Town comments on plan
• Re-submittal for final plan check	WK 46-50	• Third submittal necessary 50% of time
• Building Permit issuance	WK 54-57	• Second round of impact fees collected

Source: Town of Danville Development Services Department. March, 2009.

better direction as to the expectations for Downtown projects that may include a residential component. Additionally, since the early 2000's, the Town has maintained a detailed DRB Submittal Checklist to provide applicants with the specific submittal requirements for items requiring DRB review, allowing developer certainty and processing time savings by letting applicants know what needs to be submitted for DRB to complete its review.

Since the DRB's review on proposed residential projects is in the role of an advisory body, the applicant's retain the right to "agree to disagree" with the findings and recommendations of DRB and secure direct consideration on the design aspects of their project from the Planning Commission.

Pursuant to the State Permit Streamlining Act, permit processing delays are reduced by limiting processing time for non-legislative applications to one year and by being clear and forthright in making determinations as to what information is needed to complete development plan submittals. In terms of time needed to complete the plan check and inspection process once a project moves into the construction phase, the Town has recently brought most of the building plan check and inspection functions in house but maintains the ability to access outside contract plan check and inspection services in response to fluctuations in workloads. The Town has implemented practices that expedite processing, reduce costs, and clarify the process to developers and homeowners. Through such efforts, development costs due to delays in the Town's development review and permitting process do not constitute an unreasonable constraint.

8. California Building Codes and Enforcement

Danville uses several uniform codes as the basis of its building standards; including, most significantly, the California Building Code (CBC), the California Electrical Code (CEC), the California Plumbing Code (CPC), and the California Mechanical Code (CMC). These Codes establish standards and require inspections at various stages of construction to ensure code compliance. The Town's code enforcement efforts are handled through the Development Services Department, with direct linkage to both the Building Division and the Planning Division. Code enforcement typically handles a range of 15 to 20 cases per month. Besides complaints involving minor zoning violations, the majority of other complaints deal with property maintenance, abandoned vehicles, and unscreened boats and recreational vehicles. The California Building Code provides direction for reasonable accommodation for new or modified construction. Enforcement of building standards does not constrain the production of housing in the Town. The presence of an active code enforcement effort serves to maintain the condition of the Town's housing.

9. Summary – Removal and/or Mitigation of Governmental Constraints

State housing law requires jurisdictions to address, and where appropriate and legally possible, remove or mitigate governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The policies contained in Section VI – Housing Plan integrate measures that serve to remove or mitigate governmental constraints on several "fronts". Of particular note are the measures contained in Policies 1.3.1., 1.3.2., 1.3.7., 1.8.1., 2.3.3., 3.1.2., 3.1.7., 5.1.2., 5.2.1., and 5.3.1.

C. ENVIRONMENTAL, INFRASTRUCTURE AND PUBLIC SERVICE CONSTRAINTS

1. Environmental Constraints

The San Ramon Valley has a variety of natural conditions that impact the design, construction and final cost of new residential development. If not properly recognized and accommodated, these environmental constraints have the potential to endanger lives and property.

a. Seismic Hazards/Geologic Hazards

A number of active faults paralleling and associated with the San Andreas Fault are found in and near the San Ramon Valley and constitute a seismic hazard for existing and proposed development for portions of Danville. The faults include the Calaveras Fault, the Hayward Fault and the Clayton-Marsh Creek-Greenville Fault. The Calaveras Fault is the major recognized fault system in the Valley and is the dominant geologic feature of central Contra Costa County. This fault is capable of producing earthquakes in the range of 7.0 on the Richter Scale. The Calaveras Fault Zone has been designated as a Special Study Zone pursuant to the Alquist-Priolo Special Study Zones Act.

Geologic hazards in Danville are associated with the complex topographic and geologic features of the Valley. Geologic hazards include two types of hazards: seismically induced hazards, those hazards related to earthquakes, including ground shaking, surface rupture, ground failure and seismically induced landslides. Hazards associated with certain soils, bed rock, steep slopes and land subdivision occurs naturally or is induced, including slope instability, and landslides caused by construction activity, land subsidence and shrink-swell characteristics of soils.

Seismic and geologic hazards are addressed through the environmental and development review and permitting process, through use of structure setbacks (to avoid impacts from potentially active fault traces and known geologic hazards) and through imposition of the regulations contained in the Town's grading ordinance and the California Building Code (collectively resulting in requirement of use of construction design improvements, such as seismic strengthening and detailing, to make projects meet the latest adopted seismic design criteria).

b. Landslides and Soil Erosion

Steep topography, fractured and unconsolidated bedrock conditions, expansive soils, and high erosion potential combine to make some of the hillside areas in the San Ramon Valley highly unstable. Landslides resulting from natural conditions or caused by construction activity are common occurrences in the hillsides. Nearly 50 percent of Danville is located on hillside areas. There are numerous traces of landslide activity in these areas and the potential for future landslides is considered to be high. While landslides may occur on slopes of 15 percent or less in unstable areas, the risks are

usually proportional with steepness of slopes. Areas where old slide deposits are evident are the most subject to failure.

Hillside areas in Danville are also subject to soil erosion, which can contribute to instability of slopes, loss of vegetation, downstream flooding, sedimentation and stream bank failure. Soil erosion potential is generally proportional to slope and occurs mainly during peak rainfall, when runoff volumes are high.

Hazards associated with landslides and soil erosion are addressed through the environmental and development review and permitting process and through imposition of the regulations contained in the Town's grading ordinance, the Scenic Hillside and Major Ridgeline Development Ordinance and through observance of Danville's Hillside Development Guidelines.

c. Fire Hazard

The woodlands, grasslands, and chaparral areas present in parts of Danville create fire hazard areas, especially when development is located in or adjacent to these areas. Wildfires in these areas are a hazard to life and property during the summer and fall dry season, especially during periods of low humidity and high winds.

Existing and planned development in proximity to the Las Trampas Ridge and the hillside areas of the Sycamore Valley are particularly subject to wildfire risks.

Fire hazards are addressed through the environmental and development review and permitting process, through observance of Danville's Hillside Development Guidelines, through imposition of the regulations contained in the California Building Code and through observance of performance standards contained within the Growth Management Element (which precludes major development from occurring if fire fighting services are not available or are determined to be inadequate).

d. Flood Hazard

Flooding in Danville does not pose a significant hazard to life and property, but some areas along major creeks and near the confluence of creeks are subject to periodic inundation by floods. Flooding that does occur is typically caused by winter rains. Portions of San Ramon Creek and two of its major tributary streams, Green Valley Creek and Sycamore Creek, are subject to flooding. Flood hazard maps prepared by the Federal Emergency Management Agency (FEMA) or the State Department of Water Resources (DWR) indicate several areas in developed portions of Danville that may be subject to flooding.

The Contra Costa County Flood Control and Water Conservation District, with assistance from the Soil Conservation Service, has reshaped and widened segments of San Ramon, Sycamore, and Green Valley Creeks and constructed various flood protection structures. These efforts, along with Danville's drainage maintenance efforts, have reduced the potential for serious floods in Danville. Flood hazards are addressed through the setbacks, through imposition of requirements on new projects to make appropriate flood

control improvements and through observance to the standards of the Flood Disaster Preservation Act of 1973.

Government Code 65302 requires cities and counties in California to amend the safety and conservation elements of their general plans to include analysis and policies regarding flood hazard and management information upon the next revision of the housing element. Government Code 65302 also requires cities and counties in California to annually review the land use element of the general plan for those areas subject to flooding identified by flood plain mapping by FEMA or DWR. The Town received updated flood plain mitigation hazard mapping from FEMA in 2009. This mapping will be analyzed in detail during the scheduled update to the general plan to determine if adjustments to the safety, conservation and/or land use elements of the general plan are warranted due to flood hazards revealed by the FEMA mapping.

As a result of the current level of residential build out in Danville, coupled with the level of detail of prior flood hazard studies performed on a project-by-project basis dating back to pre-incorporation, it is not anticipated that there will be any significant alteration to projected development yield or flood hazard constraint on the vacant or underutilized properties cited in this housing element update as being available for future residential development. Upon the completion of the update of the general plan, the Town is required to review the housing element for internal consistency to the general plan. It is acknowledged, as evidenced by the inclusion of Housing Policy 1.5.2., that the general plan update process and the subsequent review for internal consistency with the housing element may, in turn, require amendments to the housing element.

2. Infrastructure, Urban Services and Facilities Constraints

A lack of adequate infrastructure or urban services and facilities can be a substantial constraint to residential development if it is to avoid impacting existing residences. On a regular basis (typically on a yearly basis), the Town reviews its Capital Improvement Program (CIP). The CIP is a compilation of the capital improvements planned for construction over the next five-year period in Danville. It includes cost estimates, the phasing of specific improvements and associated costs, and methods with which specific improvements will be financed. Benefit assessment district financing has been successfully used to finance a vast amount of infrastructure improvements in the Town and can be used, as may be needed, in the future.

In 1984, the Town adopted the Commercial Transportation Improvement Program (CTIP) requiring new commercial and office development to pay a fee to offset impacts upon local transportation improvements. The fee helps finance needed improvements to Downtown Danville's road network. In 1986, the Town adopted the Residential Transportation Improvement Program (RTIP) requiring the payment of a fee for each new residential unit for the financing of Town-wide transportation improvements.

In addition, several other impact fees have been put into place to facilitate the construction and improvement of the basic infrastructure improvements needed by residential development. The impact fees include, among others, the two-tier fees for transportation improvements created through the Dougherty Valley Settlement

Agreement, various sub-regional traffic impact fees; park land in-lieu fees and child care fees.

As mentioned in a previous section, the Growth Management Element of the General Plan serves to ensure that the infrastructure and urban services and facilities are in place to serve new development.

Many of Danville's affordable housing opportunities (i.e., sites currently carrying multiple family residential land use and zoning designations) are infill development locations in areas already served by existing infrastructure. The vast majority of the incorporated limits of the Town lie within the service boundaries for water and sewer service, virtually assuring that the vacant and underutilized parcels identified in this document will be able to develop by the end of the 2007-2014 Housing element planning period.

East Bay Municipal Utility District (EBMUD) is the water purveyor for the Danville area. EBMUD's current Water Supply and Management Program (WSMP 2020), adopted in 1993, has served as the basis for water conservation and recycling programs and for development of supplemental supply initiatives such as the Freeport Regional Water Project. WSMP 2020 ensures adequate and reliable high-quality water supplies that will meet its customers' water needs well into the 21st century. EBMUD is currently in the process of updating its WSMP with the preparation of WSMP 2040. The update would serve to maintain and improve the District's water supply reliability to its customers and help meet the growing need for water in the future.

WSMP 2040 will also adapt the District's water planning approach to circumstances that have changed since WSMP 2020 was adopted, such as competing and changing demands for water, the availability of Freeport water after 2009, and long-term climate change.

EBMUD has on occasion, as recently as 2008-09, implemented restrictions responding to water shortages. Such actions reflect the potential that, during dry years, the District would implement water usage measures that could serve to hold up the issuance of new water service hookups.

In the draft EIR dated November 2001 and entitled *Central Contra Costa Sanitary District (CCCSD) Effluent Discharge Limit Increase Project*, CCCSD indicated that the CCCSD Project will serve to accommodate planned growth in the District service area jurisdictions.

While many of the Town's vacant and underutilized parcels can develop without extension of urban services, they may face other challenges to development. Infill sites may require upgrading of existing infrastructure systems to support more intense development, such as roadway improvements and the replacement of undersized sewer and water lines. Other constraints to development of infill sites include site assembly and preparation, relocation of existing uses, compatibility with surrounding land uses and/or potential neighborhood opposition.