



Date: December 17, 2014

To: Chair Graham and Planning Commission Members

From: Tai Williams, Community Development Director
Kevin Gailey, Chief of Planning
David Crompton, Principal Planner

Subject: GPA 14-01 - Danville 2014-2022 Housing Element

Consistent with State law, the Town has completed a draft of its updated Housing Element for the 2014-2022 planning cycle. The Draft Danville 2014-2022 Housing Element and its cover memorandum are attached as Exhibit B.

The Draft Housing Element demonstrates Danville's ability to meet its "fair share" of the region's housing needs. Specifically, the Town already has sufficient acreage of appropriately zoned sites to accommodate all units among the state-mandated affordability levels. Therefore, no new sites are required to be identified for re-designation or rezoning in conjunction with the Housing Element update.

Public Notice and Public Input Received

The Draft Housing Element, along with all associated environmental documentation, was made available for review during a 30-day public review period running from November 10, 2014 through December 10, 2014. Copies of the document were available for viewing on the Town's website. Additionally, mailed notice of the availability of the documents was provided to housing providers and advocacy groups, locally based and/or active residential development companies, surrounding jurisdictions, local churches, and other agencies on the Town's standard agency referral list (see Exhibit D).

At the close of the public review period, the Town had received four written responses to either the Draft Negative Declaration or the Draft Housing Element, with all four coming from either a service provider or governmental agency (see Exhibit E). The responses received were; (a) November 21, 2014 emails from Central Contra Costa Sanitary District; (b) December 5, 2014 letter from East Bay Municipal Utility District; (c) December 10, 2014 letter from Contra Costa County Flood Control & Water Conservation District; and (d) December 10, 2014 email from LAFCO.

Parallel to these response letters is the Building Industry Association (BIA) of the Bay Area's November 26, 2013 letter, basically a Housing Element Update Questionnaire sent by the BIA to all Bay Area cities and counties. The BIA letter and the Town's December 1, 2014 response letter are attached as Exhibit F.

The comments received from the service providers and the governmental agencies prompted the preparation of Exhibit G - Recommended Revisions to the Draft Negative Declaration and the Draft Danville 2014-2022 Housing Element. None of the recommended revisions constitute significant changes to either draft document.

ENVIRONMENTAL REVIEW

Consistent with the requirements of the California Environmental Quality Act (CEQA), a Draft Negative Declaration of Environmental Significance has been prepared for the Housing Element update indicating that no significant environmental impacts are anticipated to be associated with the implementation of the goals, policies or programs set forth in the Draft Danville 2014-2022 Housing Element. The Draft Negative Declaration and associated Environmental Checklist are attached as Exhibit C.

RECOMMENDATION

Recommend that the Town Council adopt a Negative Declaration of Environmental Significance, and recommend that the Town Council approve General Plan Amendment request GPA 14-01 related to the Danville 2014-2022 Housing Element as reviewed by HCD.

EXHIBITS

- ~~Exhibit A: Resolution No. 2014-19~~
- ~~Exhibit B: Draft Danville 2014-2022 Housing Element~~
- ~~Exhibit C: Draft Negative Declaration / Environmental Checklist~~
- ~~Exhibit D: Groups, agencies and individuals receiving mailed notice of 30-day review for Draft Danville 2014-2022 Housing Element & Negative Declaration~~
- Exhibit E: Comments received during 30-day review period
- Exhibit F: Response letter to the Building Industry Association of the Bay Area's November 26, 2013 Housing Element Update Questionnaire
- ~~Exhibit G: Recommended revisions to the Draft Negative Declaration and the Draft Danville 2014-2022 Housing Element~~

Kevin Gailey

From: Russ Leavitt <RLeavitt@centralsan.org>
Sent: Friday, November 21, 2014 4:50 PM
To: Kevin Gailey
Subject: Danville 2014-2022 Housing Element Draft Negative Declaration

Kevin,

Below are my suggested edits for the page 32 Wastewater section of the Draft Negative Declaration. Underlines are text inserts, ~~strikethroughs~~ are deletions. Thanks!

Russ

Wastewater

Danville is served by the Central Contra Costa Sanitary District (CCCSD), a special district that collects and cleans an average of 33.8 million gallons per day (mgd) (average dry weather flow) ~~45 million gallons of wastewater per day (MGD)~~ for approximately ~~462,000~~ 471,000 residents and 3,000 businesses in a ~~146~~ 144 square mile area of central Contra Costa County. ~~At~~ According to CCCSD, at 2030 General Plan build-out, the Town's wastewater treatment needs can be adequately accommodated within CCCSD's 53.8 mgd effluent discharge limit. ~~consistent with the~~ The 2010 CCCSD Collection System Master Plan Update identifies only one major, Danville-area sewer improvement project: the San Ramon Interceptor Schedule C- Phase 2 project, a 36-inch diameter parallel pipe in the Iron Horse Trail, from north of Norris Canyon Road in San Ramon to St. James Ct. in Danville. This project is included in CCCSD Capital Improvement Plan for future construction.

Russell B. Leavitt
Engineering Assistant III
Central Contra Costa Sanitary District (CCCSD)
5019 Imhoff Place
Martinez, CA 94553-4316
v (925) 229-7255
f (925) 228-4624
rleavitt@centralsan.org
www.centralsan.org

Kevin Gailey

From: Russ Leavitt <RLeavitt@centralsan.org>
Sent: Friday, November 21, 2014 5:12 PM
To: Kevin Gailey
Subject: Danville 2014-2022 Housing Element Wastewater Section

Kevin,

While I was at it, I review the pages 73-74 Wastewater Section of the Draft Housing Element. Here are my updates.

Russ

The population of the service area is approximately ~~455,000~~ 471,000. ~~From April 2007 through December 2010, the maximum daily influent flow rate was 141 million gallons per day (MGD) and~~ In 2013, the wastewater treatment plant's average daily dry weather flow rate was 38.7 ~~35.8~~ MGD. Both rates are This rate is well within the ~~then~~-permitted 53.8 MGD average dry weather flow limit and ~~250 MGD peak wet weather design flow, as provided~~ allowed for by Order No. R2-2012-0016 issued by the SF Bay Region of the California Regional Quality Control Board and by National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037648. CCCSD has indicated it will be able to serve the planned growth provided through the Danville 2030 General Plan and the 2014-2022 Housing Element.

Russell B. Leavitt
Engineering Assistant III
Central Contra Costa Sanitary District (CCCSD)
5019 Imhoff Place
Martinez, CA 94553-4316
v (925) 229-7255
f (925) 228-4624
rleavitt@centralsan.org
www.centralsan.org



Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
Steve Kowalewski,
Deputy Chief Engineer

December 10, 2014

Kevin Gailey
Town of Danville
Planning Division
510 La Gonda Way
Danville, CA 94526

RE: Danville 2014-2022 Housing Element
Our File: 060-18 Town of Danville

Dear Mr. Gailey:

We reviewed the Notice of Intent to Adopt and Public Review Period for a Negative Declaration of the Danville 2014-2022 Housing Element, which we received on November 12, 2014, and submit the following comments:

General Comments

1. The purpose of the Housing Element update is to document the projected housing needs within the community and to set forth policies and programs that promote the development of diverse housing types and ensure affordability of housing within the Town of Danville (Town). The proposed project for environmental review is the adoption of the Danville 2014-2022 Housing Element, which includes a review and assessment of the Town's current and future housing needs, and a compilation of goals and policies with respect to the development of housing within the Town and sphere of influence. The following are our comments on any future developments:
 - a. The Housing Element update and land-use designation changes may affect Drainage Areas 11, 18, 35, 36, 37, 91, 92, 93, 94, 101 and 102, which are all unformed drainage areas, and Drainage Areas 10, 37A and 101A, which are all formed drainage areas. There are no fees due at this time for unformed drainage areas.
 - b. Future developers should be required to collect and convey all stormwater entering or originating within the subject property to the nearest natural watercourse or adequate man-made drainage facility without diversion of the watershed.
 - c. Future developers should be required to submit hydrology and hydraulic calculations to the Town that prove the adequacy of the in-tract and downstream drainage systems. We defer review of the local drainage to the City. However, the Contra Costa County Flood Control & Water Conservation District (FC District) is available to provide technical review under our Fee-for-Service program.
 - d. Future developers should be conditioned to construct the necessary drainage improvements if the downstream facility is shown to be inadequate due to the increased stormwater runoff from the new developments.

- e. Future developments may be subject to the requirements of the Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the Bay Conservation Development Commission. We recommend that the developers consult with the above agencies prior to any plans affecting a watercourse.
- f. Future developers should be required to comply with the current National Pollutant Discharge Elimination System (NPDES) requirements under the Town Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. We support the State's goal of providing Best Management Practices to achieve the permanent reduction or elimination of stormwater pollutants and downstream erosion from new development. The FC District is available to provide technical assistance for meeting these requirements under our Fee-for-Service program.

Hydrology

2. Most of the project area is within the San Ramon Creek Watershed. We recommend that all developments in the San Ramon Creek Watershed be required to mitigate their adverse drainage impact upon the natural creeks. The following could be added to the mitigation measures in the Draft Negative Declaration for all future developments:

Mitigation for San Ramon Creek

Mitigate the impact of additional stormwater runoff from developments on San Ramon Creek by either of the following methods:

- Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his own cost. The site selection, land rights, and construction staking will be performed by the FC District.

OR, upon written request by the developer:
 - Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually.
3. The Draft Negative Declaration should discuss that Green Valley Creek has known inadequate reaches. We recommend that all developments in the Green Valley Creek Watershed be required to mitigate their adverse drainage impact upon the natural creeks. As a mitigation measure, we recommend that the Town require that any future development on these sites be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area. This fee is based on the FC District's Report on Impervious Surface Ordinance. The Town should condition

developers to pay this fee and collect it for transfer to the County's Drainage Deficiency Fund.

4. The Draft Negative Declaration should include language that requires payment of drainage area fees for development within the formed drainage areas as a mitigation measure. Mitigation drainage fees are charged for any new impervious surfaces created within Drainage Area 10, 37A, and 101A in accordance with Flood Control Ordinance Numbers 92-52, 85-41, and 88-36, respectively. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage area fee ordinance. Effective October 3, 1992, the current fee in Drainage Area 10 is \$0.34 per square foot of newly created impervious surface. Effective July 4, 1985, the current fee in Drainage Area 37A is \$925 per acre of newly created impervious surface. Effective July 9, 1988, the current fee in Drainage Area 101A is \$0.20 per square foot of newly created impervious surface.
5. Adverse impacts of the runoff from future housing developments to the existing drainage facilities and drainage problems in the downstream areas, including those areas outside of the Town, within the respective watersheds should be included in subsequent CEQA documents.
6. We recommend that the adequacy and stability of the drainage facilities within the project area be studied to determine if local drainage design criteria are met, as well as FEMA National Floodplain Insurance requirements. If those are not met, then the Draft Negative Declaration should discuss the potential impacts and propose mitigation measures to address those impacts. The discussion should also include an analysis of the capacity and erosion potential of the existing watercourses.

Conclusion

7. We recommend that the least amount of impact to natural watercourses results from future project developments.
8. The Town should develop a Drainage Master Plan for specific areas. This plan should be approved by the Town and the FC District prior to allowing further development in the area. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land-use, existing facilities, soil, and topographic data. The Drainage Master Plan should also result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels, and storm drains), compliance with discharge and water quality requirements, cost estimates, and schedules.
9. The FC District encourages the Town to incorporate creek enhancements, such as improving the riparian corridor, incorporating public access, and creek-oriented site layout. We see this as an opportunity to enhance the habitat value of the creeks while providing an amenity to retail customers and the residential neighborhood.

10. The FC District should also be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities. A Flood Control Permit will be required for FC District-owned facilities or where FC District has easements.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please contact me via e-mail at hshaf@pw.cccounty.us or by phone at (925) 313-2304.

Sincerely,



Homira Shafaq
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

HS:cw
G:\fdct\CurDev\CITIES\Danville\Danville 2014-2022 Housing Element\December 2014.docx

cc: M. Carlson, Flood Control
T. Jensen, Flood Control
T. Rie, Flood Control

Kevin Gailey

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Wednesday, December 10, 2014 3:55 PM
To: Lou Ann Texeira
Cc: Kate Sibley
Subject: SB 244 Requirements and DUCs

Greetings,

SB 244 (Wolk, 2011) requires cities and counties to address the infrastructure needs of unincorporated disadvantaged communities (DUCs) in city and county general plans. SB 244 also requires LAFCOs to address DUCs as part of LAFCO Municipal Service Reviews (MSRs), sphere of influence (SOI) updates, and annexations.

For LAFCOs, SB 244 prohibits approval of city annexations greater than 10 acres that are contiguous to a DUC unless the city applies to annex the DUC as well. This requirement is not applicable if an application to annex the DUC had been made during the prior five years, or if there is evidence that a majority of residents in that community opposes annexation. Also, after July 1, 2012, LAFCOs must consider the present and future need for public facilities and services by DUCs for any city or district updating their SOI, and which provides public sewer, municipal and industrial water, or structural fire protection facilities or services. LAFCOs must also make determinations relating to DUCs in its MSRs.

In June 2014, LAFCO completed its second round, countywide MSR/SOI updates covering water and wastewater services. Included in the LAFCO MSR and SOI updates is information relevant to DUCs. LAFCO recently embarked on its second round MSR covering reclamation services, and will include information related to DUCs. Next year, LAFCO will undertake second round MSRs covering fire/EMS and/or health services.

For cities and counties, SB 244 requires that before the due date for adoption of the next housing element after January 1, 2012, the general plan land use element must be updated to: 1) identify DUCs; 2) analyze for each identified community the water, wastewater, stormwater drainage, and structural fire protection needs; and 3) identify funding alternatives for the extension of services to identified communities.

We understand that Contra Costa County Conservation and Development Department is working to identify DUCs in response to SB 244 requirements. ***It would be helpful to know what efforts your city has made (or is planning to make) in accordance with SB 244 and the identification of DUCs and related services and funding options. We welcome any information you can provide.***

Thank you and Happy Holidays!

Lou Ann

Lou Ann Texeira, Executive Director
Contra Costa LAFCO
450 Pine Street, Suite 500
Walpole, CA 94593
925.938.2274
l_teixeira@lafco.cccounty.us

December 5, 2014

Kevin J. Gailey, Chief of Planning
Town of Danville, Planning Division
510 La Gonda Way
Danville, CA 94526

Re: Notice of Intent to Adopt a Negative Declaration – Danville 2014-2022 Housing Element

Dear Mr. Gailey:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Negative Declaration for the Danville 2014-2022 Housing Element. EBMUD has the following comments.

WATER SERVICE

The Town of Danville is served by nine different pressure zones with service elevations ranging from 250 to 1,100 feet. Main extensions that may be required to serve any specific development to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsors expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsors expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services requires substantial lead-time, which should be provided for in the project sponsors' development schedule.

Project sponsors should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

Kevin Gailey, Chief of Planning

December 5, 2014

Page 2

In addition, project sponsors must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by a project sponsor is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

WATER CONSERVATION

Individual developments within the Housing Element present opportunities to incorporate water conservation measures. EBMUD requests that the Town of Danville include in its conditions of approval a requirement that the project sponsors comply with the Danville Landscape Ordinance No. 91-14. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsors expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning Division

WRK:TRM:djr
sb14_257.docx

Kevin Gailey, Chief of Planning

December 5, 2014

Page 3

bcc: X. Irias
D. Rehnstrom
T. McGowan
Chron
C-1777



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

December 9, 2014

Kevin J. Gailey
City of Danville
510 La Gonda Way
Danville, CA 94526

Subject: Danville 2014-2022 Housing Element
SCH#: 2014112017

Dear Kevin J. Gailey:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on December 8, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014112017
Project Title Danville 2014-2022 Housing Element
Lead Agency Danville, City of

Type **Neg** Negative Declaration
Description The Project consists of the Town of Danville's 2014-2022 Housing Element, which constitutes an update of the 2007-2014 Housing Element. The purpose of the Housing Element is to document the projected housing needs within the community and to set forth policies and programs that promote the development of diverse housing types and ensure affordability of housing town-wide. The proposed project is consistent with the 2030 General Plan and proposes no changes to land use or zoning designation.

Lead Agency Contact

Name Kevin J. Gailey
Agency City of Danville
Phone 925 314 3305 **Fax**
email
Address 510 La Gonda Way
City Danville **State** CA **Zip** 94526

Project Location

County Contra Costa
City Danville
Region
Lat / Long
Cross Streets All lands within the Town of Danville

Parcel No.	Township	Range	Section	Base
-------------------	-----------------	--------------	----------------	-------------

Proximity to:

Highways I-680
Airports
Railways
Waterways
Schools
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

Date Received 11/07/2014 **Start of Review** 11/07/2014 **End of Review** 12/08/2014



"Small Town Atmosphere
Outstanding Quality of Life"

December 1, 2014

Building Industry Association of the Bay Area
Attn: Paul Campos
101 Ygnacio Valley Road, Suite 210
Walnut Creek, CA 94596

Dear Mr. Campos:

Thank you for your interest in the update of the Town of Danville's Housing Element. We are in receipt of the Bay Area Business Coalition's letter dated November 26, 2013. Listed below are the questions from the November 26, 2013 letter followed by a response to each question (responses shown in italics).

1. Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element? If so, what was the constraint and what has been done to address it?

Response: Housing constraints are addressed in Chapter III – Housing Constraints and by various goals, programs and implementation measures in Chapter VI – Housing Plans.

2. Does your jurisdiction have a mandatory inclusionary zoning policy? If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a "like for like must build requirement" such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer's option or with staff approval—but without need for Council or Board approval on a project-by-project basis?

Response: The Town's inclusionary housing regulations are discussed at length within the Draft 2014-2022 Housing Element. Please refer to Pages 49 - 52, Table 36 and Figure B of the document.

3. Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov't Code Section 65915)? Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013)?

Response: Danville adopted a new density bonus ordinance through approval of ZTA 2014-05 in September 2014, bringing its regulations in line with SB 1818. The new regulations are consistent with the Napa decision.

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

4. What is the cumulative fee and exaction burden on new housing in your jurisdiction? This analysis should include not only development fees that are “formally” reflected in published fee schedules, but also include exactions imposed via housing allocation program/ “beauty contests,” community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales of price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.

Response: A summary of processing fees and impact fees is provided in Tables 25, 26 and 27 of the Draft 2014-2022 Housing Element. Analysis of the fees is provided in Section B.6 of Chapter III – Housing Constraints. Table 12 of the Draft Housing Element shows Danville’s 2014 median housing value has been estimated to be \$995,000. Table 25 of the Draft Housing Element estimates Town-controlled development fees and mitigation fees to be ≈\$33,000 per new single family residence – reflecting ≈3.3% of the median housing values. The total burden, inclusive of Town-controlled fees and non-Town traffic impact fees, school fees, sewer and water fees, etc., is indicated on Table 25 to be ≈\$90,000 per new single family residence. Table 26 of the Draft Housing Element estimates Town-controlled development fees and mitigation fees to be just under \$15,000 per new rental housing unit – with the total burden estimated to be \$46,000 per unit. The median value of rental housing units is unknown so the burden in the form of percentage of total cost can’t be calculated.

5. Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?

Response: The Town’s Master Fee Schedule is reviewed annually in conjunction with the preparation of the Town’s annual budget. There are currently no “proposed” or “under consideration” processing fees or impact fees. With the adoption of the fee schedule for 2014, the Town adopted a Comprehensive Planning Fee that reflected prior direction from the Town Council to allow consideration of the merits of establishing a general plan maintenance fee. This new fee went into effect on August 4, 2014 and is assessed at the rate of 0.1% of construction value for building permits. The revenue from the Comprehensive Planning Fee will be held in a designated Planning Special Revenue Fund Account. Revenue placed into that account will be used to partially offset General Fund expenditures that would otherwise need to be assigned to cover comprehensive planning efforts such as updating the General Plan, Housing Element and/or amendments or updates to zoning regulations.

6. Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?

Response: No.

7. Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a “planned” or “potential” PDA? Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?

Response: *The Town of Danville secured recognition of a Planned PDA in advance of the preparation of the Danville 2030 General Plan. The adopted 2030 Plan does not call for the submittal of an application to ABAG to convert to a Potential PDA.*

8. What were the sites relied on for the adequate sites compliance of the existing housing element? What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to “by right” development procedures?

Response: *Tables 29, 30 and 31 and Figure A provide a summary of land in Danville available for residential development – being sites where land use designation and zoning would allow residential development. Discussion of the available sites is contained in Section A of Chapter IV. The status of these sites is summarized in the far right column of Table 29. Sites included on the corresponding table from the 2007-2014 Housing Element that have been fully developed as of the end of 2013 are accordingly noted.*

9. Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?

Response: *No – there is no type of cap or limitation in place or under consideration.*

10. Has your jurisdiction provided for “by right” housing development in any areas?

Response: *A “by right” housing development would be project that could process planning entitlements for the development allowed by the site’s land use designation and zoning without applying for a legislative action (i.e., a general plan amendment and/or a rezoning to an alternate residential zoning district or to a P-1; Planning Unit Development zoning designation). All the sites listed on Table 29 have the option to pursue development with the development entitlements limited to a subdivision request and/or a development plan request – with the review bodies limited to the Planning Commission and the Design Review Board.*

11. Are there zoning or other development restrictions (such as voter approval requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?

Response: *No.*

12. Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?

Response: *Yes. An important "value-added" aspect of the Town's development review process is the availability of staff for pre-submittal meetings.*

13. What are your jurisdiction's historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?

Response: *The Town has a Historic Preservation Ordinance that applies almost exclusively to structures >50 years of age in the Downtown. The regulations allow incentives to be granted in conjunction with designation of a property as a Historic Resource. The incentives can, and have, included allowance of vertical and horizontal integration of residential components into projects where residential uses were either not allowed by right or would have otherwise required submittal and approval of a conditional land use permit.*

14. Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?

Response: *Yes.*

15. In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space? For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee?

Response: *Yes.*

16. In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District's CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)? Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?

Response: *The Town has used/will use applicable BAAQQMD CEQA thresholds of significance in its environmental reviews.*

17. Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?

Mr. Paul Campos
December 1, 2014
Page 5

Response: *The Town adopted a Sustainable Action Plan (SAP) in conjunction with the adoption of the Danville 2030 General Plan in March of 2013. The stated purpose of SAP is to encourage more environmentally sustainable practices in Danville, to help reach emission reduction targets that were adopted through Assembly Bill 32 in 2006. Unless otherwise required by State law, compliance is intended to be achieved through a combination of voluntary measures, and public education and outreach.*

Accompanying this letter is a copy of the Notice of Intent to adopt a Negative Declaration of Environmental Significance for the Draft Danville 2014-2022 Housing Element. The Notice of Intent previously mailed to the BIA of the Bay Area was returned as undeliverable. We are resending it along with this letter. Note that a Draft Danville 2014-2022 Housing Element is available for review on the Town's Web Site at: www.danville.ca.gov/housingelement.

Any questions you may have regarding this letter or the Draft Negative Declaration of Environmental Significance or the Draft Housing Element may be directed to my attention at your convenience at (925) 314-3305.

Sincerely,



Kevin J. Gailey
Chief of Planning

c: Paul McDougall, California Department of Housing and Community Development



November 26, 2013

Housing/Planning Director
Jurisdiction
Via email

 Bay Planning Coalition

Re: Housing Element Update



The undersigned members of the Bay Area Business Coalition advocate for a vibrant regional economy and outstanding quality of life for existing and future residents of the San Francisco Bay Area. A necessary—though by no means sufficient—condition to achieve these goals is for the region to provide an adequate supply of housing within the region. State housing element law generally—and the governmental constraints component in particular—can be important tools to advance these goals. With Bay Area cities and counties currently updating their housing elements, our organizations respectfully request that your jurisdiction consider and address the following comments as part of the public review process.



We recognize that the housing element process can be resource intensive and sometimes difficult. We hope that by identifying certain priority issues and questions, this letter will assist in focusing resources on policies and practices that are of significant and recurring interest to the regulated community. We also would support incorporating these standardized issues into the framework for local jurisdictions to be able to take advantage of the housing element certification streamlining developed by the California Department of Housing and Community Development (HCD).



I. Overview of the statutory provisions.



The California Department of Housing and Community Development (HCD) has prepared formal guidance interpreting the constraints analysis portion of housing element law (http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php).



HCD's overview of the requirements and their purpose provides: *The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts*



to remove constraints that hinder a jurisdiction from meeting its housing needs.... The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints. Where the analyses identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.

II. Requested specific areas of focus

We have identified certain policies that generally represent significant potential constraints in the Bay Area and we request that as you conduct the constraints portion of your housing element review, these issues in particular be addressed:

- **Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element?** If so, what was the constraint and what has been done to address it?
- **Does your jurisdiction have a mandatory inclusionary zoning policy?** If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a “like for like must build requirement” such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer’s option or with staff approval—but without need for Council or Board approval on a project-by-project basis?
- **Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov’t Code Section 65915)?** Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013)?
- **What is the cumulative fee and exaction burden on new housing in your jurisdiction?** This analysis should include not only development fees that are “formally” reflected in published fee schedules, but also include exactions imposed via housing allocation program/ “beauty contests,” community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.
- **Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?**
- **Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?**

- **Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a “planned” or “potential” PDA?** Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?
- **What were the sites relied on for the adequate sites compliance of the existing housing element?** What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to “by right” development procedures?
- **Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?**
- **Has your jurisdiction provided for “by right” housing development in any areas?**
- **Are there zoning or other development restrictions (such as voter approval requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?**
- **Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?**
- **What are your jurisdiction’s historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?**
- **Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?**
- **In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space?** For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee?
- **In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District’s CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)?** Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?

- Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?

Our organizations intend to monitor housing element updates throughout the region, and we respectfully request that your jurisdiction formally respond to these questions early in the update process. We also ask that you send a paper or electronic copy of the responses to:

BIA of the Bay Area
Attn: Paul Campos
101 Ygnacio Valley Road, Suite 210
Walnut Creek, CA 94596
pcampos@biabayarea.org
415-223-3775

Yours very truly,



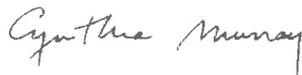
John Coleman
Bay Planning Coalition
Council



Paul Campos
BIA Bay Area



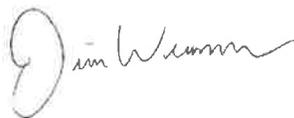
Tom Terrill
East Bay Leadership



Cynthia Murray
North Bay Leadership Council



Rosanne Foust
SAMCEDA



Jim Wunderman
Bay Area Council



Joshua Howard
California Apartment Association