

### 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 32** 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 **development** yield. The period of constructing 250 to 350 new residential units **per year in Danville** 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 **potentially** being as high as virtually any area in the **East Bay region**.

##### 2. Cost of Housing Construction

Construction costs are the largest component of total costs for single-family attached and detached units, accounting for 40 percent **or more** of the finished sale price. According to the Town's **valuation table used for its** building permit fee schedule, construction costs for a typical wood frame single-family detached residence are assumed to be **about \$210.00** per square foot. For multiple family units, construction costs are slightly lower, assumed **to be around \$190.00** 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). Actual construction costs likely range from about these levels or higher, depending on the particular unit being constructed. 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.

Another consideration is that in-fill development, which describes the condition of much of Danville's remaining residential development potential, is often more expensive than "green field" development. Many in-fill parcels have existing structures and/or contaminated conditions that must be addressed before redevelopment can occur. Aging infrastructure serving the property may require replacement. These factors and others have the potential to increase the cost of development for in-fill sites.

### **3. Availability of Financing**

The availability of financing affects a person's ability to purchase or improve a home. Following the foreclosure crisis that began in 2008, lenders significantly tightened their lending standards. As of this writing, lending standards are extremely tight and it is difficult for all but the most credit worthy buyers to get mortgage loans.

Specific housing programs such as first-time homebuyer programs or other mortgage assistance programs can be a useful tool providing help with down payment and closing costs, which are often significant obstacles to home ownership for lower income and minority groups.

### **4. Foreclosures**

Many households nationwide purchased homes that were beyond their financial means leading up to the Great Recession. Of those, many households were unable to absorb hikes in interest rates, expiration of short-term fixed rates, and/or the decline in residential home prices as a result of the recession. The result of these factors was a significantly higher incidence of residential foreclosures. As the economy has improved, the number of foreclosures has sharply declined and home values in Danville have recovered to close to their pre-recession high valuations.

## B. GOVERNMENTAL CONSTRAINTS

### 1. Land Use Controls

The Danville 2030 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 multifamily residential land use designations established by the General Plan are reflected on **Table 22**. There are **four** single family residential land use designations, **four** multifamily land use designations and one crossover land use designation (that addresses the overlap of allowable single family and multiple family development densities) for a total of **nine** 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 multifamily residential high densities (i.e., **25-30** 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 23** summarizes the most pertinent residential standards for single family residential zoning districts. **Table 24** provides the same information for the multifamily residential zoning districts. In both tables, the zoning districts are grouped to show their relationship to the corresponding general plan land use designations.

The Danville 2030 General Plan divides Danville into 24 Planning Areas, distinguishing the respective neighborhoods 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 **8.0** residential units per **net** acre down to **0.2** residential units per **net** acre. The allowable density in multifamily residential zoning districts ranges from **8.0** residential units per **net** acre up to **30** units per acre. Higher densities in all districts are achievable through application of density bonus provisions.

**Table 22**  
**Residential Land Use Categories (October 2014)**  
**- Town of Danville**

[Amends and replaces Table 20 of the Danville 2007-2014 Housing Element]

General Plan Land Use Designation	Zoning Districts		Density (du/ac) <sup>(b)</sup>	Residential Type
	Consistent	Possible <sup>(a)</sup>		
<b>Single Family Residential</b>				
<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 - 8 dus/ac	Detached single family and duet residences on smaller lots
<b>Multifamily Residential</b>				
<i>Low Density</i>	P-1, M-12 & M-8	-	8 - 13 dus/ac	1- and 2-story duets, townhouses, condos and apartments
<i>Low/Medium Density</i>	P-1, M-13 & M-20	-	13 - 20 dus/ac	Larger-sized townhouses, condos and apartments
<i>High/Medium Density</i>	P-1, M-20 & M-25	-	20 - 25 dus/ac	Larger-sized townhouses, condos and apartments
<i>High Density</i>	P-1, M-25 & M-30	-	25 - 30 dus/ac	Condos and apartments

Source: Danville 2030 General Plan. March, 2013.

Notes:

- a. 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.
- b. Densities are expressed as the number of dwelling units per “net” acre of land (this is referred to as “net density”). Net acreage excludes street rights-of-way, utility easements, drainage channels, and similar areas that cannot be developed. Net acreage also excludes areas that are undevelopable due to environmental constraints.

**Table 23**  
**Single Family Residential Development Standards (October 2014)**  
**- Town of Danville**

[Amends and replaces Table 21 of the Danville 2007-2014 Housing Element]

General Plan Land Use Designation and Zoning District										
Land Use Designation / Development Standards	Residential - Single Family - Country Estates			Residential - Single Family - Low Density		Residential - Single Family - Medium Density		Residential - Single/Multiple Family		
	Zoning District	R-100	R-65	R-40	R-20	R-15	R-12	R-10	R-7	R-6
Maximum Density (du/ac)	0.43	0.67	1.09	2.18	2.90	3.63	4.36	6.22	7.26	10.89
Minimum Lot Area (sq ft)	100,000	65,000	40,000	20,000	15,000	12,000	10,000	7,000	6,000	8,000
Minimum Average Lot Width (ft)	200'	140'	140'	120'	100'	100'	80'	70'	60'	80'
Minimum Lot Depth (ft)	200'	140'	140'	120'	100'	100'	100'	100'	90'	90'
Min Primary Front Yard Setback (ft)	30'	25'	25'	25'	20'	20'	20'	20'	20'	20'
Min Secondary Front Yard Setback (ft)	25'	20'	20'	20'	15'	15'	15'	15'	15'	15'
Minimum Side Yard Setback (ft)	30'	20'	20'	15'	10'	10'	10'	5'	5'	10'
Min Aggregate Side Yard (ft)	60'	40'	40'	35'	25'	25'	20'	15'	15'	20'
Minimum Rear Yard Setback (ft)	30'	30'	30'	30'	25'	25'	25'	20'	20'	15'
Maximum Building Height (stories/ft)	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'

Sources:

1. Town of Danville Municipal Code - Volume II Development, as amended by Zoning Text Amendments ZTA 2014-01 and 2014-02, adopted by the Danville Town Council September, 2014.
2. Danville 2030 General Plan. March, 2013.

**Table 24**  
**Multifamily Residential Development Standards (October 2014)**  
**- Town of Danville**

[Amends and replaces Table 22 of the Danville 2007-2014 Housing Element]

General Plan Land Use Designation and Zoning District							
Land Use Designation / Development Standards	Residential - Multifamily - High Density (25-30 dus/ac)	Residential - Multifamily - High/Medium Density (20-25 dus/ac)	Residential - Multifamily - Low/Medium Density (13-20 dus/ac)	Residential - Multifamily - Low Density (8-13 dus/ac)			
Zoning District	M-30	M-25	M-20	M-13	M-8	D-1	R-6
Maximum Density (du/ac)	30	25	20	13	8	10.89	7.26
Minimum Density (du/ac)	25	20	13	8	4	No Minimum	No Minimum
Minimum Lot Area (sq ft)	10,000	10,000	10,000	8,000	6,000	8,000	6,000
Minimum Average Lot Width (ft)	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	80'	60'
Minimum Lot Depth (ft)	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	90'	90'
Min Primary Front Yard Setback (ft)	25'	25'	25'	25'	25'	20'	20'
Min Secondary Front Yard Setback (ft)	20'	20'	20'	20'	20'	15'	15'
Minimum Side Yard Setback (ft)	20'	20'	20'	20'	20'	10'	5'
Min Aggregate Side Yard (ft)	40'	40'	40'	40'	40'	20'	15'
Minimum Rear Yard Setback (ft)	20'	20'	20'	20'	20'	15'	20'
Maximum Building Height (stories/ft)	37'	35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'	2½/ 35'
Maximum Floor Area Ratio	80%	80%	80%	65%	50%	No Maximum	No Maximum

Sources:

1. Town of Danville Municipal Code - Volume II Development, as amended by Zoning Text Amendment ZTA 2014-03 adopted by the Danville Town Council September, 2014.
2. Danville 2030 General Plan. March, 2013.

**a. Single Family and Multifamily Zoning Regulations**

All single family residential districts establish development standards for minimum lots area, building setbacks, lot width and depth and for building height. The multifamily residential districts address these areas and also establish standards for building coverage and for open space areas. Most multifamily 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.

#### b. Parking Standards

The Town's parking requirements for residential projects varies by housing type. **Table 25** 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 **enclosed** parking. The number of parking spaces required **under the Municipal Code** for multifamily residential units ranges from one space **per** studio unit to two spaces **per units** with two or more bedrooms. To accommodate guests in multifamily residential projects, an additional one-quarter a parking space per unit must **generally** 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 **and this parking may be tandem parking as long as the space does not block vehicular access to a parking space required for the primary residence.**

#### c. Planned Unit Development Process

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 **design flexibility** in a residential project by allowing **project-specific development standards to be considered and applied.** 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.

#### d. Mixed Use Development

Danville's general plan includes a Mixed Use land use designation. For Mixed Use sites where residential uses are allowed, densities **in the range of 20 to 30 units per net acre may be considered.** The Mixed Use land use designation was created as a means of providing opportunities for residential development within established commercial areas or within **areas designated by the Danville 2030 General Plan as** Special Concern Areas. 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 **Historic Wood Family Ranch Headquarters site**), the designation would allow for the presence of multiple uses on a single parcel, allowing the uses may to be either side-by-side or vertically integrated.

#### e. Density Bonus Regulations

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). **Danville adopted a new density bonus ordinance through approval of ZTA 2014-05 in September 2014, bringing its regulations in line with SB1818.**

#### f. Inclusionary Housing Program

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., **34 of 40** projects). **(Refer to Table 41 and Figure B)**

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 Homes** 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).



**Table 25**  
**Parking Requirements by Residential Housing Type (October 2014)**  
**- Town of Danville**

[Amends and replaces Table 23 of the Danville 2007-2014 Housing Element]

Residential Housing Type	Parking Required Per Residential Unit
Attached or Detached Single Family Units	2.0 onsite parking spaces within an enclosure with 20' minimum interior clear width and 22' minimum interior clear depth that meets the respective R-District setback requirements
Two Family or Duet Units	2.0 onsite parking spaces within an enclosure with 20' minimum interior clear width and 22' minimum interior clear depth that meets the D-1; Two Family District setback requirements
<b>Multifamily Units Developed as a Non-Density Bonus Project<sup>(a)</sup></b>	
<i>Studio Units</i>	1.0 onsite parking space
<i>One Bedroom Units</i>	1.5 onsite parking spaces
<i>Units With <math>\geq 2</math> Bedrooms</i>	2.0 onsite parking spaces
<i>Guest Parking</i>	0.25 spaces per unit (may request as offsite curbside parking)
<b>Multifamily Units Developed as a Density Bonus Project Invoking Government Code §65915 (p) (1)<sup>(b)</sup></b>	
<i>Zero to One Bedroom Units</i>	1.0 onsite parking space
<i>Two to Three Bedroom Units</i>	2.0 onsite parking spaces
<i>Four and More Bedroom Units</i>	2.5 onsite parking spaces
<i>Guest Parking</i>	Not required to be provided
<b>Multifamily Units Developed as a DBD; Downtown Business District Project<sup>(c)</sup></b>	
<i>Studio Units</i>	1.0 onsite parking space
<i>One Bedroom Units</i>	1.5 onsite parking spaces
<i>Units With <math>\geq 2</math> Bedrooms</i>	2.0 onsite parking spaces
<i>Guest Parking</i>	0.25 spaces per unit (may request as offsite curbside parking)
Mobile Homes or Manufacture Housing Units	2.0 onsite parking spaces within an enclosure with 20' minimum interior clear width and 22' minimum interior clear depth that meets the respective R-District setback requirements
Second Dwelling Units	1.0 onsite parking space <sup>(d)</sup>

Sources:

1. Town of Danville Municipal Code - Volume II Development - Multifamily Regulations, as amended by Zoning Text Amendment ZTA 2014-03 adopted by the Danville Town Council September, 2014.
2. Town of Danville Municipal Code - Volume II Development - DBD Regulations, as amended by Zoning Text Amendment ZTA 2013-02 adopted by the Danville Town Council November, 2013.
3. Town of Danville Municipal Code - Volume II Development - Second Dwelling Units Regulations, as amended by Zoning Text Amendment ZTA 2014-04 adopted by the Danville Town Council September, 2014.

Notes:

- a. One-half of the required parking spaces shall be provided as covered spaces. Parking shall not be located within the minimum side yard or front yard setback areas required for the principal structure.
- b. Required parking may be provided in the form of tandem parking or uncovered parking. Required parking may not be provided in the form of offsite curbside parking.
- c. One-half of the required parking spaces shall be provided as covered spaces. Parking shall not be located within the minimum side yard or front yard setback areas required for the principal structure.
- d. The parking required for the second dwelling unit may be uncovered, may be a compact-sized parking space, and may be provided as a tandem space - in which case it may not block vehicular access to a parking space required for the primary residence.

The governmental constraints “burden” that might otherwise be associated with Danville’s inclusionary regulations is lessened 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 lessened by the fact that the Alameda and Contra Costa Counties 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 38-unit for-sale Preserves at Iron Horse Trail condominium project completed in 2010 can be assessed. That project successfully secured an affordable “by-design” designation, as provided for under its amended affordable housing agreement. Under the Town’s inclusionary housing program, a project can potentially secure an affordable “by-design” status as a result of providing small and/or efficiently designed units or as a result of building at a higher development density and/or because the project creates rental housing. The Preserves at Iron Horse Trail project secured the affordable “by-design” status in recognition that 80% of the units had market rate pricing that put 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. Fourteen of the 34 units in the project ultimately sold for market rate prices (i.e., sales prices in the \$319,000 to \$370,000 range) that were below the \$372,100 maximum sales price established under the original affordable housing agreement that would have been applied to 15% of the units in the project.

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 inclusionary housing 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-four year history, only

one project has elected to pursue the in-lieu fee option. That one project, the 88-unit Stony Brook project in the Downtown area, chose the in-lieu inclusionary fee option in response to the fact it was subject to the more stringent California Community Redevelopment Law 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 74-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 inclusionary housing 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 units/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 the two two-car garages serving the duet unit.

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's 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 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 (e.g., projects on lands carrying a

Residential - Single Family - Low Density 1-3 units/acre designation), an option was created through a Town-sponsored zoning text amendment 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.

The developer experience on the projects choosing this option (11 of 40 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., Sequoia Grove 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 market rate rent schedules for these projects have stayed at or below rent levels that place 100% of the project units at rents 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 multifamily for-rent housing. If and when market rate rents rise to the point that the project rent schedule no longer makes units affordable to households earning <100% of median income, the projects are obligated to identify 15% of the project units as designated below market rate units and to screen tenants for eligibility as households earning <110% of median income.

Recognition is made of the “Palmer” decision, a recent court action that affects a jurisdiction’s ability to impose inclusionary housing requirements on newly developed rental housing. A new implementation program has been added (Program 2.3.3.) that directs the Town to monitor litigation responding to the

Palmer/Sixth Street Properties L.P. v. City of Los Angeles ("Palmer") decision. While the Town recently updated its inclusionary housing regulations, it is appropriate to track subsequent litigation responding to Palmer to determine if further amendment to Danville's Inclusionary Housing Ordinance is warranted. The flexibility provided in Danville's inclusionary housing program, coupled with the length of time the program has been operational (since 1990) means the program does not represent a governmental constraint to housing development. To the contrary, the inclusionary requirements have created an inventory of affordable units that serves an important need in the community without changing the character of the neighborhoods. The first 36 of 40 projects approved with an inclusionary housing program obligation have been built and occupied.

g. Conclusion

In general terms, the Town's residential development standards have not acted as a constraint to the development of new housing or affordable housing. For the thirty-year period extending from 1980 through 2010, Danville's development review process provided for a greater than 80% increase in the number of housing units present in 1980, adding housing units at an average annual rate of just over 225 units per year, with just under 6,800 housing units added. For the final decade of this period (2000 through 2010), the rate of residential development slowed to an annual average production of 75 units per year. For 2010 through 2013, the rate of addition of housing units dropped by more than 50%, to an average of slightly more than 30 units per year. The slowing down on the annual production of housing reflects both the impacts of the Great Recession and the fact the Town is closing in on a built out condition. (Refer to Tables 2 and 13) 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, multifamily residential housing, second dwelling units, assisted living facilities, factory-built housing, mobile homes, emergency shelters, and transitional and supportive housing. Tables 26 and 27 summarize 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.

**Table 26**  
**Housing Types Permitted - Single Family Residential Zoning Districts**  
**- Town of Danville**

[Amends and replaces, in part, Table 24 of the Danville 2007-2014 Housing Element]

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
<b>Residential Uses</b>											
<i>Single Family Detached</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Single Family Attached</i>	LEG	-	-	-	-	-	-	-	-	-	p
<i>Duplex (Two-Family Unit)</i>	LEG	-	-	-	-	-	-	-	-	-	p
<i>Second Unit ≤1,000 sf</i>	p	p	p	p	p	p	p	p	p	p	p
<i>Second Unit &gt;1,000 sf - 2,000 sf</i>	c	c	c	c	c	c	c	c	c	c	c
<i>Modular Home</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Manufactured or Mobile Home</i>	LEG	p	p	p	p	p	p	p	p	p	p
<b>Special Needs Housing Facilities</b>											
<i>Community Care (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Community Care (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Emergency Shelter (≤12 beds)</i>	LEG	-	-	-	-	-	-	-	-	-	-
<i>Group Home (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Group Home (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Health Facility (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Health Facility (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Intermediate Care (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Intermediate Care (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Residential Care (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Residential Care (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Supportive Housing (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Supportive Housing (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c
<i>Transitional Housing (≤6 beds)</i>	LEG	p	p	p	p	p	p	p	p	p	p
<i>Transitional Housing (≥7 beds)</i>	LEG	c	c	c	c	c	c	c	c	c	c

Table Key: p = Permitted use c = Use subject to issuance of a Land Use Permit LEG = Legislative Action  
 Source: Town of Danville Municipal Code - Volume II Development  
 Notes: See Notes Section following Table 27.

Danville’s multifamily residential land use designations have historically precluded development below the minimum range of their respective density scales. This policy was carried forward into the Danville 2030 General Plan (refer to Policy 1.05) adopted in March 2013. The minimum density requirement locks in the housing development yield on the remaining vacant or underutilized multifamily residential parcels in Danville. The Danville 2010 General Plan (adopted August 1999) split the historic land use designation of Multiple Family - Medium Density 13-21 units/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. To meet the requisite minimum development densities for the housing needs of very low and low income households, the Danville 2030 General Plan created the Residential - Multifamily - High Density (25-30 units per acre)



**Table 27**  
**Housing Types Permitted - Multifamily Residential and DBD Zoning Districts**  
**- Town of Danville**

[Amends and replaces, in part, Table 24 of the Danville 2007-2014 Housing Element]

Housing Types Permitted	Multifamily Residential Zoning Districts						DBD; Downtown Business District					
	P-1	M-8	M-13	M-20	M-25	M-30	DBD3	DBD5	DBD9	DBD11	DBD12	
<b>Residential Uses</b>												
<i>Multiple Family &gt;3 units</i>	LEG	p	p	p	p	p	-	p	p	p/c	p	
<i>Single Family Attached</i>	LEG	p	p	p	p	p	-	p	p	p/c	p	
<i>Single Family Detached</i>	LEG	-	-	-	-	-	-	-	-	-	-	
<i>Duplex (Two-Family Unit)</i>	LEG	p	p	p	p	p	-	p	p	p/c	p	
<i>Second Unit ≤1,000 sf</i>	p	p	p	p	p	p	-	p	p	p/c	P	
<i>Second Unit &gt;1,000 sf - 2,000 sf</i>	c	c	c	c	c	c	-	c	c	c	c	
<i>Modular Home</i>	LEG	-	-	-	-	-	-	-	-	-	-	
<i>Manufactured or Mobile Home</i>	LEG	p	p	p	p	p	p	p	p	p/c	p	
<b>Special Needs Housing Facilities</b>												
<i>Community Care (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Community Care (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Emergency Shelter (≤12 beds)</i>	LEG	-	-	-	-	-	p	-	-	-	-	
<i>Group Home (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Group Home (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Health Facility (≤6 beds)</i>	LEG	p	p	p	p	p	p	-	p	-	p	
<i>Health Facility (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Intermediate Care (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Intermediate Care (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Residential Care (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Residential Care (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Supportive Housing (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Supportive Housing (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	
<i>Transitional Housing (≤6 beds)</i>	LEG	p	p	p	p	p	-	-	p	-	p	
<i>Transitional Housing (≥7 beds)</i>	LEG	c	c	c	c	c	-	-	c	-	c	

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

Source: Town of Danville Municipal Code - Volume II Development.

Notes:

- a. Community care facility means a California Department of Social Services licensed facility that provides non-medical residential care, day treatment, adult day care, foster family agency services, including physically or mentally handicapped, incompetent persons, and abused, neglected, or medically fragile children, and Alcohol and Drug Programs (ADP) involving individuals in recovery from drug or alcohol addiction, as further defined under California Health and Safety Code Section 1502.
- b. Group home or housing means any living situation that are non-medical and not for temporary use that accommodates unrelated individuals, including but not limited to licensed and alcohol and drug treatment facilities, unlicensed sober living environments, licensed board and care homes for the elderly including convalescent or rest homes and nursing homes, licensed homes for minor children, licensed homes for metal patients, licensed homes for developmentally disabled, and single room occupancy (SRO) projects. Group homes typically involve a living arrangement where either support services are provided to the occupants, where cooking, living or support sanitation facilities are shared in common between the occupants, or where there is a formal program establishing rules of conduct and purpose of the facility.
- c. Health Facility means a facility, place or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation, and care during and after pregnancy. Health facilities include general acute care and psychiatric hospitals, skilled nursing facilities, intermediate care facilities including developmentally



- disabled, congregate care, correctional treatment facilities, and hospice facilities, and as further defined under the California Health and Safety Code Section 1250.
- d. Intermediate Care Facility means 24 hour personal care, developmentally disabled habilitation and nursing or congregate living health facility, development and supportive health services in compliance with California Health & Safety Code Section 1267.8 and 1267.9.
  - e. Residential Care Facilities means California Department of Social Services licensed non-medical facilities which provide long-term care to adults or children which stay in a residential setting rather than in their own home. Occupants may include persons with chronic life threatening illness including HIV or AIDS, or the elderly. Residential care facilities provide room, board, housekeeping, supervision, and personal care assistance with basic activities such as bathing and grooming, as further defined under the California Health and Safety Code Section 1568.0831.
  - f. Second dwelling unit means a dwelling unit, attached or detached to the primary dwelling, which provides complete independent living facilities with accommodations for a kitchen, living, sleeping, eating, and bathroom on the same parcel as a primary structure on a residentially zoned site. Second dwelling units shall be consistent with the requirements of Section 32-76.
  - g. Supportive housing means housing with no limit on length of stay, that is occupied by a target population, and that is linked to on or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximize his or her ability to live and, when possible, work in the community, as defined under California Government Code Section 65582(f).
  - h. Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and circulation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months of the assistance, as defined under California Government Code Section 65582(h).

land use category and recalibrated the allowable density range for the existing land use categories so the Residential - Multifamily - High/Medium land use category could be set at a 20 - 25 units per acre density range. The requisite minimum density for multifamily land to address the needs for low income households is 20 units per acre. The requisite minimum density for multifamily land to address the needs for very low income households is 25 units per acre - with this minimum having been agreed to by Danville and HCD during the preparation of the 2007-2014 Housing Element.

Senate Bill 2 (SB 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 operational standards 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 amended the Municipal Code following the adoption of the 2007-2014 Housing Element to permit homeless shelters with just a ministerial permit on DBD; Downtown Business District - Area 3 Old Town Mixed Use properties, consistent with the requirements of SB2. DBD - Area 3 properties are located within the Downtown core and are served by, or proximate to, the major

transportation corridors serving the Downtown, including Hartz Avenue, Diablo Road and I-680. There are approximately 13 acres of DBD - Area 3 property in aggregate, with this total comprised of fifteen individual parcels. Adequate capacity exists either on vacant or underutilized properties, or through conversion of existing buildings for use as an emergency shelter, to accommodate an appropriately sized homeless shelter. The Municipal Code was also 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**

The premise of growth management is that development pays its own way and sufficient public services and facilities are committed and/or in place before additional development is approved. The Danville 2010 General Plan supported this concept and the 2030 Plan continues to include goals and policies that reinforce the Town's commitment to managed growth.

In 1988, Contra Costa County voters approved Measure C, the Contra Costa Transportation Improvement and Growth Management Initiative. The Measure responded to concerns throughout the County about the ability of local governments and service providers to mitigate the impacts of development. In

2004, Contra Costa County voters approved a 25-year extension of growth management requirements through Measure J. Measure C expired in March 2009, and Measure J became effective on April 1 of that year. In general terms, Measure J extended the one-half percent sales tax established by Measure C. It also extended, with minor revisions, various transportation programs and Growth Management Programs (GMP) established to implement Measure C.

On a policy level Measure J renewed a commitment to manage and mitigate the impacts of future growth and development within Contra Costa County. On an administrative level, the performance standards set forth under Measure C were replaced by different, generally less restrictive standards. Mandatory standards apply now only to regional transportation routes. A new requirement is that jurisdictions delineate an urban limit line (or urban growth boundary). Local governments may retain performance standards related to local streets, parks, police, sewer, water, and other facilities, but are no longer required to do so. Although Measure J eliminated the previous Measure C requirements for local performance standards and level of service (LOS) standards for non-regional routes, Danville has chosen to retain its own transportation LOS standards in its General Plan. As such, Danville's growth management standards comply with the requisite Measure J policies, while augmenting them with more stringent local controls. Transportation LOS standards are in Chapter 4 of this document.

With the Town Council action in 2007 to adopt Resolution No, 8-2007, pursuant to the requirements of the Measure J program, Danville adopted the County Urban Limit Line (ULL) as its Urban Growth Boundary. Implementation of Measure C 1988 and Measure J 2009 and Danville's adoption and refinement of its Growth Management Element has not prevented Danville from meeting its housing obligations. Instead, Measure C and Measure J and the various resultant Growth Management Elements required under the program, have led to a more coordinated planning effort that has provided a mechanism to support and enhance development.

## **5. Dougherty Valley and Alamo Creek Settlement Agreements**

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.

A subsequent Settlement Agreement was executed when the Alamo Creek subdivision was approved by the County east of the Town boundary. The Agreement included a special methodology for measuring traffic for any future development in the Tassajara Valley. However, that requirement expired on December 31, 2010. Provisions of the Alamo Creek Settlement Agreement should not substantively affect the Town's growth management programs during the lifetime of the 2014-2022 Housing Element or the Danville 2030 General Plan. The settlement agreements have not constrained housing affordability as significant components of affordable housing were/are being supplied in both projects.

## 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 28, 29 and 30** 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

**Table 28**  
**Estimate of Development Fees for a Typical Five-Unit Single Family Residential Detached Project (October 2014) - Town of Danville**

[Amends and replaces Table 25 of the Danville 2007-2014 Housing Element]

Fee Category	Fee Amount
<b>Town-Controlled Processing and Permit Fees</b>	
Design Review Board	\$5,100
Development Plan and Tentative Map	\$10,200
Environmental Assessment (Initial Study for a Mitigated Negative Declaration)	\$2,250
Public Hearing Notification Reimbursement	\$500
Building Permit - Plan Check	\$22,575
Building Permit - Inspection	\$34,750
Microfilm	\$1,500
Finished Grade Inspection	\$300
Improvement Plan Check (\$750 a lot)	\$3,750
Map Checking	\$3,375
Base Map Revision	\$450
Street lighting (three lights)	\$375
Engineering Inspection (\$750 a lot)	\$5,250
Grading Plan Check / Inspection and Permit (\$125 a lot)	\$625
Planning and Engineering Reviews of Building Permit	\$2,500
<b>Subtotal</b>	<b>\$93,500 total - for \$18,700 per unit</b>
<b>Town-Controlled Impact Fees</b>	
Park Land In-lieu	\$58,975
Residential Transportation Improvement Program (\$2,000 per unit)	\$10,000
Child Care Facilities (\$335 per unit)	\$1,675
National Pollutant Discharge Elimination	\$250
<b>Subtotal</b>	<b>\$70,900 total - for \$14,180 per unit</b>
<b>Non Town-Controlled Impact Fees</b>	
Southern Co. Co. Regional Transportation (\$1,252 per unit)	\$6,260
Tri-Valley Transportation Development (\$2,279 per unit)	\$11,395
Southern Co. Co. Sub-Regional Transportation (\$3,455 per unit)	\$24,185
Drainage Area 10 (CCCFC&WCD) (\$0.34/sf net additional impervious area)	\$3,826
Building Standards Administration Fee	\$150
Seismic Mitigation Impact Program (SMIP)	\$380
Notice of Determination (CA Fish & Wildlife via County Clerk)	\$2,044
San Ramon Valley Unified School District (\$5.61/ft. for 3,675 sf x five units)	\$103,085
San Ramon Valley Fire Protection District (plan check)	\$675
<b>Subtotal</b>	<b>\$152,000 total - for \$30,400 per unit</b>
<b>Utility District Connection Charges</b>	
EBMUD (water) System Capacity Charge and Meters	\$85,000
CCCSD (sewer)	\$50,000
<b>Subtotal</b>	<b>\$135,000 total - for \$27,000 per unit</b>
<b>Total</b>	<b>\$451,400</b>
<b>Average Per Unit</b>	<b>≈\$90,250 total (with ≈\$32,750 as Town-Controlled)</b>

Source: (All October 2014): Danville Community Development Department; EBMUD; CCCSD; and SRVUSD.

Note: This estimate of processing fees, impact fees and utility connection charges has been calculated for a five-lot, detached single family residential project with each lot having a 3,675 sq. ft. residence with a 675 sq. ft. attached three-car garage and 200 sq. ft. porch.

**Table 29**  
**Estimate of Development Fees for a Typical Seven-Unit Apartment Project**  
**(October 2014) - Town of Danville**  
 [Amends and replaces Table 26 of the Danville 2007-2014 Housing Element]

Fee Category	Fee Amount
<b>Town-Controlled Processing and Permit Fees</b>	
<i>Design Review Board</i>	\$3,600
<i>Preliminary Development Plan – Rezoning</i>	\$6,600
<i>Final Development Plan and Tentative Map</i>	\$6,450
<i>Environmental Assessment (Initial Study for a Mitigated Negative Declaration)</i>	\$2,250
<i>Public Hearing Notification Reimbursement</i>	\$500
<i>Building Permit - Plan Check</i>	\$6,925
<i>Building Permit - Inspection</i>	\$10,650
<i>Microfilm</i>	\$600
<i>Improvement Plan Check (\$450 a unit)</i>	\$3,150
<i>Map Checking</i>	\$2,835
<i>Base Map Revision</i>	\$268
<i>Street lighting (two lights)</i>	\$250
<i>Engineering Inspection (\$750 a unit) &amp; Finished Grade Inspection</i>	\$5,442
<i>Grading Plan Check / Inspection and Permit (\$125 a unit)</i>	\$875
<i>Planning and Engineering Reviews of Building Permit</i>	\$600
<b>Subtotal</b>	<b>\$50,955 total - for \$7,285 per unit</b>
<b>Town-Controlled Impact Fees</b>	
<i>Park Land In-lieu</i>	\$39,631
<i>Residential Transportation Improvement Program (\$1,549 per unit)</i>	\$10,843
<i>Child Care Facilities (\$115 per unit)</i>	\$805
<i>National Pollutant Discharge Elimination</i>	\$220
<b>Subtotal</b>	<b>\$51,499 total - for \$7,357 per unit</b>
<b>Non Town-Controlled Impact Fees</b>	
<i>Southern Co. Co. Regional Transportation (\$1,252 per unit)</i>	\$8,764
<i>Tri-Valley Transportation Development (\$1,549 per unit)</i>	\$10,304
<i>Southern Co. Co. Sub-Regional Transportation (\$3,455 per unit)</i>	\$24,185
<i>Drainage Area 10 (CCCFC&amp;WCD) (\$0.34/sf net additional impervious area)</i>	\$750
<i>Building Standards Administration Fee</i>	\$200
<i>Seismic Mitigation Impact Program (SMIP)</i>	\$215
<i>Notice of Determination (CA Fish &amp; Wildlife via County Clerk)</i>	\$2,044
<i>San Ramon Valley Unified School District (\$5.61/ft. for 6,570 sf)</i>	\$36,863
<i>San Ramon Valley Fire Protection District (plan check)</i>	\$675
<b>Subtotal</b>	<b>\$84,000 total - for \$12,000 per unit</b>
<b>Utility District Connection Charges</b>	
<i>EBMUD (water) System Capacity Charge and Meters</i>	\$85,000
<i>CCCSD (sewer)</i>	\$50,000
<b>Subtotal</b>	<b>\$135,000 total - for \$19,250 per unit</b>
<b>Total</b>	<b>\$321,454</b>
<b>Average Per Unit</b>	<b>≈\$46,000 total (with ≈14,750 as Town-Controlled)</b>

Source: (All October 2014): Danville Community Development Department; EBMUD; CCCSD; and SRVUSD.

Note: This estimate of processing fees, impact fees and utility connection charges has been calculated for a seven-unit, 6,534 square foot apartment building with seven attached one-car garages and porches.



**Table 30**  
**Estimate of Development Fees for Second Dwelling Units**  
**(October 2014) - Town of Danville**

[Amends and replaces Table 27 of the Danville 2007-2014 Housing Element]

Fee Category	Fee Amount
<b>Town-Controlled Processing and Permit Fees</b>	
<i>Development Plan Permit</i>	Not Applicable
<i>Categorical Exemption</i>	\$50
<i>Building Permit - Plan Check</i>	\$1,050
<i>Building Permit - Inspection</i>	\$1,975
<i>Microfilm</i>	\$25
<i>Finished Grade Inspection</i>	\$75
<i>Public Hearing Notification</i>	Not Applicable
<i>Planning Review of Building Permit</i>	\$150
<i>Engineering Review of Building Permit</i>	\$100
<b>Subtotal</b>	<b>\$3,425 per second unit</b>
<b>Town-Controlled Impact Fees</b>	
<i>Park Land In-lieu</i>	Exempt
<i>Residential Transportation Improvement Program</i>	Exempt
<i>Child Care Facilities</i>	Exempt
<i>National Pollutant Discharge Elimination</i>	Exempt
<b>Subtotal</b>	<b>\$0 per second unit</b>
<b>Non Town-Controlled Impact Fees</b>	
<i>Southern Co. Co. Regional Transportation</i>	Exempt
<i>Tri-Valley Transportation Development</i>	Exempt
<i>Southern Co. Co. Sub-Regional Transportation</i>	Exempt
<i>Drainage Area 10 (CCCFC&amp;WCD) (\$0.34/sf impervious area)</i>	\$175
<i>Building Standards Administration</i>	\$50
<i>Seismic Mitigation Impact Program (SMIP)</i>	\$25
<i>San Ramon Valley Unified School District (exempt as ≤500 sf in size)</i>	Exempt
<i>San Ramon Valley Fire Protection District (plan check)</i>	\$325
<b>Subtotal</b>	<b>\$575 per second unit</b>
<b>Utility District Connection Charges</b>	
<i>EBMUD (water) System Capacity Charge and Meter</i>	\$6,500
<i>CCCSD (sewer)</i>	\$7,500
<b>Subtotal</b>	<b>\$14,000 per second unit</b>
<b>Total</b>	<b>\$18,000 per second unit</b>
<b>Average Per Unit</b>	<b>≈\$18,000 total (with ≈\$3,425 as Town-Controlled)</b>

Source: (All October 2014): Danville Community Development Department; EBMUD; CCCSD; and SRVUSD.

Note: This estimate of processing fees, impact fees and utility connection charges has been calculated for a theoretical 500 square foot detached second dwelling unit with a 125 square foot attached porch area . The project is assumed to not require a public hearing (no exceptions from zoning regulations) and is processed as a ministerial permit (i.e., as a building permit).



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 2030 General Plan.

A small single family residential project could expect processing fees, impact fees and utility service connection charges of slightly more than \$90,000 per lot. Of that total, slightly less than \$33,000 per lot would be Town-controlled processing fees and impact fees. A small apartment project could expect processing fees, impact fees and utility service connection charges of slightly less than \$46,000 unit. Of that total, slightly less than \$14,750 per unit would be Town-controlled processing fees and impact fees. A typical second dwelling unit (i.e., a detached unit of approximately 500 square feet) could expect processing fees, impact fees and utility service connection charges approximately \$18,000. Of that total, approximately \$3,425 would be Town-controlled processing fees and impact fees.

To put these costs in context, the Draft Contra Costa County 2014-2022 Housing Element estimates the per-unit range of planning and processing fees for a typical single-family residence in the unincorporated area to range from \$48,000 to \$88,500. The estimated per-unit range of planning and processing fees for a for-rent project (the County analysis was for a 25-unit multifamily complex) was estimated to be in the range of \$22,750 to \$45,000 per apartment unit.

## 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 the San Ramon Valley Fire Protection District, other service districts, and by other outside agencies. Table 31 depicts the processing steps 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 Community Development Department staff) and by providing early access to the Design Review Board review process.

**Table 31**  
**Typical Processing Steps and Timeline for a Residential**  
**PUD - Rezoning & Major Subdivision (October 2014)**  
**- Town of Danville**

[Amends and replaces Table 28 of the Danville 2007-2014 Housing Element]

TASK	TIMING	ACTION/NOTES
<b>Pre-submittal</b>	<b>WK 1-4</b>	
• 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
<b>Formal Application Submittal</b>	<b>WK 5-9</b>	
• 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
<b>Applicant / Neighborhood meeting</b>	<b>WK 6-12</b>	• Virtually any project going on to public hearing triggers an applicant initiated neighborhood meeting(s) at HOA site or Town Offices
<b>Development Advisory Meeting(s)</b>	<b>WK 6-15</b>	• # meetings tied to issues / # of re-submittals
<b>Design Review Board Meeting(s)</b>	<b>WK 2-12</b>	• # meetings tied to issues / # of re-submittals
<b>Receipt of Special Studies / Revisions</b>	<b>WK 10-16</b>	
• Tree Survey		• Becomes the heart of the Mitigated Negative Declaration of Environmental Significance (MND) to be prepared for project. Project redesign and/or binding commitment conditions to eliminate potential impacts to be made.
• Traffic Study		
• Noise Study		
• Hydraulic Study		
• Geotechnical/Soils Study		
<b>Preparation / Distribution of MND Documents</b>	<b>WK 6-22</b>	
• 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
<b>Preparation of Staff Report / Conditions</b>	<b>WK 16-22</b>	• For Parks & Leisure Services and Planning Commission meetings

<b>Public Hearing Process</b>	<b>WK 16-30</b>	
• 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	
<b>Issuance of Final Action Letter</b>	<b>WK 30</b>	• Rezoning has 30-day effective date
<b>Notice of Determination</b>	<b>WK 30</b>	• Affects exposure to legal challenge
<b>Submittal of Grading Permit for plan check</b>	<b>WK 36-46</b>	
• Submittal of compliance checklist	WK 36	• Showing compliance to conditions
• Development Advisory Meeting	WK 38-40	• Review relative conditions of approval
• 1st Plan Check comments	WK 39-41	• Listing of all Town comments on plan
• Re-submittal for final plan check	WK 41-43	• Imp. Plans req'd to be thru 1st plan check
• Issuance of Grading Permit	WK 42-44	• Bonding required at permit issuance
• Grading commences	WK 46-48	• Timing of year becomes critical
<b>Submit Improvement Plans for plan check</b>	<b>WK 40-50</b>	• 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
• 1st 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 1st plan check
• Approval of Improvement Plans	WK 48-50	
<b>Submit Final Map for plan check</b>	<b>WK 40-52</b>	• Typically w/ Imp. Plans (creates lots)
• Updated compliance checklist	WK 40	• Showing compliance to conditions
• Development Advisory Meeting	WK 42-44	• Review relative conditions of approval
• 1st 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
<b>Submittal of for Building Permits</b>	<b>WK 40-57</b>	
• Updated compliance checklist	WK 40	• Showing compliance to conditions
• Development Advisory Meeting	WK 42-44	• Review relative conditions of approval
• 1st 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

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Source: Town of Danville Community Services Department - Planning Division October, 2014.

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 a review of land use considerations.

Where DRB's role is expanded beyond that of an advisory body, the expansion of authority is provided (typically by project conditions of approval) 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 amended the Design Guidelines of the DBD; Downtown Business District providing, among other things, 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 brought more** 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. 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 **minimum** standards and require inspections at various stages of construction to ensure code compliance. **The Town's building code requires new multifamily for-rent residential construction to provide a specified minimum percentage of the units built to be fully accessible to the physically disabled and an additional percentage of units built to be readily adaptable to meet the needs of the physically disabled.**

**New multifamily residential construction that receives federal assistance is required by HUD to comply with the Federal American with Disabilities Act, which specifies a minimum percentage of dwelling units in new multifamily developments be fully accessible to the physically disabled at the time of construction. Although these standards and the time required for inspections increase housing production costs and may impact the viability of rehabilitation of older properties that are required to be brought up to current code standards, the primary intent of the codes is to provide structurally sound, safe, and energy-efficient housing.**

The Town's code enforcement efforts are handled through the Community Development 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 or improvement of housing in the Town.

## 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".

### 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, including the Calaveras Fault, the Pleasanton Fault, the Bollinger Fault, and the Mt. Diablo Fault. These four fault structures constitute some of the major faults in California at the latitude of San Francisco. The 2011 Hazard Mitigation Plan for Contra Costa County indicates there is a 75 percent probability of a magnitude 7.0 or greater earthquake in the Bay Area during the next 30 years. In 2002, the United States Geologic Survey (USGS) estimated an 11 percent probability for one or more magnitude 6.7 or greater earthquakes by 2032 on the Calaveras Fault alone. 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; and 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).

The environmental constraints for individual housing sites identified as being available for the 2014-2022 planning period are addressed in the descriptions of these sites contained in the next chapter.

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 hillsides, including the Las Trampas Ridge area and the hills paralleling the Sycamore Valley. 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.

Pursuant to Senate Bill 1241 (Kehoe, Statutes of 2012), the Safety Element of the General Plan was reviewed and updated to address the risk of fire hazard in state responsibility areas and very high fire hazard severity zones. In 2008, Town declared certain areas in Danville as Very High Fire Hazard Severity Zones. The areas receiving this designation were in the vicinity of Magee Ranch, off of Diablo Road, where single family homes are in immediate proximity to fire-prone hillsides. Existing developed areas located in proximity to the Las Trampas Ridge and the hillside areas of the Sycamore Valley are particularly subject to wildfire risks. Buildings on properties in the Very High Fire Hazard Severity Zone must comply with specified building requirements which increase their ability to resist the intrusion of flames or burning embers by a vegetation fire. These areas do not contain any of the identified housing opportunity sites for low and very low income housing and these designations will not impede Town's ability to meet RHNA.

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 firefighting 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 one of its major tributary streams, Green Valley 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. 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.

Pursuant to Assembly 162 (Wolk, Statutes of 2007) and Senate Bill 5 (Machado, Statutes of 2007) the Safety Element of the General Plan was reviewed and updated to reflect current flood hazard maps and related flood hazard policies and measures. The Danville 2030 General Plan, adopted in March 2013, reflects the latest information regarding flood hazard risks and includes the best available maps for the identification of the risks associated with a 200-year flood event.

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. While the two sites that received multifamily residential land use designation through the adoption of the Danville 2030 General Plan (i.e., the 7.0-acre Borel/EBRPD site and the 3.75-acre Diablo Office Partners site) abut drainage channels, the channels are fully improved and would not need to be widened to accommodate the development of the sites for multifamily residential use.

## **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 multifamily 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 **could** develop by the end of the **2014-2022 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 **2040**), adopted **October 2009**, serves as the basis for water conservation and recycling programs and for development of supplemental supply initiatives. **WSMP 2040 seeks to provide a diverse and robust water supply portfolio that ensures water reliability in an uncertain future while also protecting the environment.**

**Through the implementation of the WSMP 2040, EBMUD is meeting future growth with aggressive conservation and recycling, while supplemental supply components allow a lower rationing level and thereby decrease direct impacts on EBMUD customers during dry years.**

**The Central Contra Costa Sanitary District (CCCSD) wastewater treatment plant and its associated wastewater collection system provides secondary treatment of domestic, commercial, and industrial wastewater for Danville, Lafayette, Martinez, Moraga, Orinda, Pleasant Hill, San Ramon, Walnut Creek, Concord, Clayton, and adjacent unincorporated areas, including Alamo, Blackhawk, Clyde, and Pacheco.**

**The population of the service area is approximately 471,000. In 2013, the wastewater treatment plant's average flow dry weather rate was 35.8 million gallons per day (MGD). This rate is well within the permitted 53.8 MGD average dry weather flow limit 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.

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.

In the context of the intent and requirements of Senate Bill 244 (Wolk, Statutes of 2011), the Land Use Element of the Danville 2030 General Plan was reviewed and a determination was made that there were no disadvantaged sub-areas in Danville that had infrastructure conditions (i.e., infrastructure for water, wastewater, storm drainage, and/or structural fire protection) with deficiencies and or significant need that would forestall or make infeasible development of residential property that might develop absent such deficiencies of infrastructure needs.

EBMUD, the water purveyor for the area, and CCCSD, the wastewater treatment agency for the area, will be provided copies of this Housing Element after the Plan is adopted.

The forecasts and projections being used by EBMUD and CCCSD are consistent with the RHNA and the estimates of development capacity used in this Housing Element. In other words, the Town is not designating land for development beyond what has been assumed by these service providers.

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