

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: Town of DanvilleFiling Party: ☐ HCD ☒ Jurisdiction: Town of DanvilleContact Name: David Crompton Title: Chief of PlanningPhone: (925) 314-3313 Email: dcrompton@danville.ca.gov**APPEAL AUTHORIZED BY:**Name: Joseph CalabrigoSignature: Date: 7/9/2021**PLEASE SELECT BELOW:**

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☒ City Manager
- ☐ Chief Administrative Officer
- ☐ Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☒ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☒ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☒ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☒ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 1441-1641 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

In accordance with Government Code Section 65584.05(b), the Town of Danville submits this appeal for a revision of its share of the regional housing need for the 6th Cycle Regional Housing Needs Assessment (RHNA) on the following bases:

1. The proposed RHNA for Danville is based on an incorrect assumption that the Town has a locally identified Priority Development Area (PDA) which the RHNA process (through the Plan Bay Area 2050 Blueprint forecast model) has used as a focus for future growth, and ignores Local Planning Factors relating to jobs-housing imbalance and development constraints.
2. ABAG failed to determine Danville's share of the regional housing needs in a manner that furthers, and does not undermine, the five objectives listed in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstance has occurred in the jurisdiction after February 5, 2020 and merits a revision of the information previously submitted by the Town, per Government Code Section 65584.04(b)(3).

Specifically, Town's request is to reduce Danville's RHNA of 2,241 units to an allocation reflected through the use of the Plan Bay Area 2050 Growth baseline methodology, without an assumption of a locally-identified PDA, and with the ABAG Housing Methodology Committee's recommended weights and factors applied.

Given that the Town does not have access to the baseline model, Danville estimates that its RHNA should be reduced to a range between 600-800 unites.

List of supporting documentation, by title and number of pages

1. Danville RHNA Appeal Submittal Packet 20210709, 62 pages _____
2. _____
3. _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files



*"Small Town Atmosphere
Outstanding Quality of Life"*

July 9, 2021

Therese McMillan
ABAG/MTC Executive Director
Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105

Subject: Town of Danville Appeal of the Draft 2023-2031 RHNA Allocation

Dear Ms. McMillan:

In accordance with Government Code Section 65584.05(b), the Town of Danville submits this appeal for a revision of its share of the regional housing need for the 6th Cycle Regional Housing Needs Assessment (RHNA) on the following bases:

1. The proposed RHNA for Danville is based on an incorrect assumption that the Town has a locally identified Priority Development Area (PDA) which the RHNA process (through the Plan Bay Area 2050 Blueprint forecast model) has used as a focus for future growth, and ignores Local Planning Factors relating to jobs-housing imbalance and development constraints.
2. ABAG failed to determine Danville's share of the regional housing needs in a manner that furthers, and does not undermine, the five objectives listed in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstance has occurred in the jurisdiction after February 5, 2020 and merits a revision of the information previously submitted by the Town, per Government Code Section 65584.04(b)(3).

Further, while they are not established as legal bases for appeal, the Town maintains that there are additional critical factors to consider that have been previously raised:

- There is insufficient evidence to demonstrate that the RHNA for Danville is consistent with the development pattern in Bay Area's Sustainable Communities Strategy (aka, the Draft Plan Bay Area 2050 Final Blueprint);

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Administration
(925) 314-3388

Building
(925) 314-3330

Engineering & Planning
(925) 314-3310

Transportation
(925) 314-3320

Maintenance
(925) 314-3450

Police
(925) 314-3700

Parks and Recreation
(925) 314-3400

July 9, 2021

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- The State Regional Housing Needs Determination (RHND) during the 6th RHNA reflects a historic methodological anomaly;
- External forces – including the economy, construction labor costs, and land prices – have far greater impact on housing production than RHNA, city practices or public policies;
- The State RHND does not reflect a long-term trend of slowing population growth throughout California; and
- Effects of the pandemic as it relates to hybrid work and its impact on driving patterns, have not been considered for the long term and do not correlate to the assumptions used in the forecast model that is the basis for allocating RHNA.

Specifically, Town's request is to reduce Danville's RHNA of 2,241 units to an allocation reflected through the use of the Plan Bay Area 2050 Growth baseline methodology, without an assumption of a locally-identified PDA, and with the ABAG Housing Methodology Committee's recommended weights and factors applied.

The Danville Town Council directed staff to file this appeal through a unanimous vote (5-0) on July 6, 2021.

The Town recognizes and appreciates the time and effort provided by everyone on this important and complex issue and for your consideration of these items. Please let us know if you need any additional clarification or have any questions by contacting David Crompton, Chief of Planning, at (925) 314-3349 or dcrompton@danville.ca.gov.

Sincerely,
TOWN OF DANVILLE



Joseph A. Calabrigo
Town Manager

C: Danville Town Council, Danville Planning Commission

TOWN OF DANVILLE | 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEAL SUMMARY

Per Government Code Section 65584.05, the Town of Danville hereby files an appeal of its RHNA of 2,241 housing units based on the following three grounds.

- 1. Local Planning Factors: The proposed RHNA for Danville is based on an incorrect assumption and failed to consider Local Planning Factors relating to development of constraints, per Government Code Section 65584.05(b)(1).**

A. Incorrect Growth Assumption

SB 375 requires that the RHNA is consistent with the Sustainable Communities Strategy (SCS). In other words, consistency between the 2023-2031 RHNA and the Bay Area's SCS - referred to as the Plan Bay Area 2050 (PBA 2050) Blueprint - is statutorily required. Consequently, the RHNA allocation based on the distribution of housing and job growth forecasted in the Draft PBA 2050 Blueprint is required.

The Draft PBA 2050 Blueprint focuses both housing and job growth to areas called "Growth Geographies" over the next 30 years. The four types of geographies are:

- *Priority Development Areas (PDAs)*: Locally identified areas generally near existing job centers or frequent transit.
- *Priority Production Areas (PPAs)*: Locally identified places for job growth in middle-wage industries like manufacturing, logistics or other trades.
- *Transit-Rich Areas (TRAs)* near rail, ferry or frequent bus service that were not already identified as PDAs.
- *High Resource Areas (HRAs)*: State-identified places with well-resourced schools and access to jobs and open space, among other advantages, that may have historically rejected more housing growth.

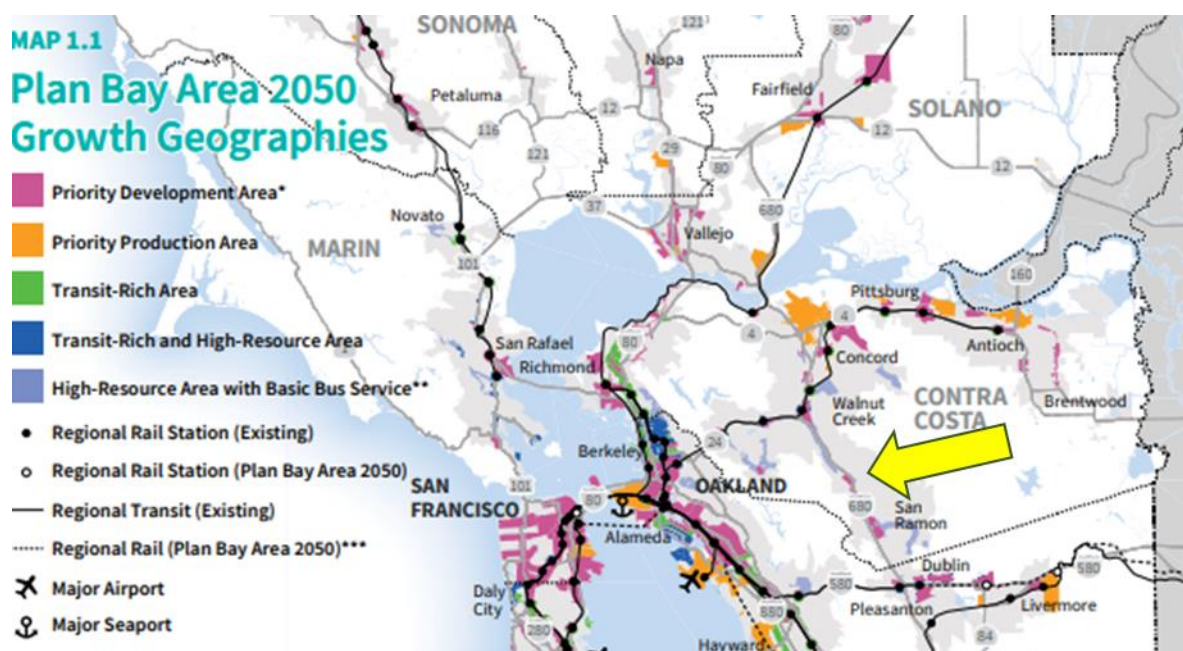
It appears that **Danville is assumed to have a locally identified Priority Development Area (PDA) when in fact it does not.**

While the Town initially submitted an application to ABAG in 2011 for a "Potential PDA," the response from ABAG staff at that time was that Danville's proposed PDA did not have adequate transit service to qualify as one. Ultimately, the Town Council

did not pursue the PDA designation and deleted all reference to it from the Town's 2030 General Plan, adopted on March 19, 2013 (Attachment A, page 2).

For many subsequent years, ABAG and MTC maps continued to show a 'Potential PDA' in Danville. While it's difficult to discern on the maps produced by ABAG, it appears that Danville's 'Potential PDA' has been converted to an actual PDA, as shown in Figure 1. Therefore, any forecasted growth directed to Danville based on an assumption that a PDA – or a Growth Geography - exists is incorrect.

Figure 1. PBA 2050 Growth Geographies Map, indicating Danville features a PDA



B. Jurisdiction's existing and projected jobs and housing relationship, per Government Code Section 65584.04(e)(1).

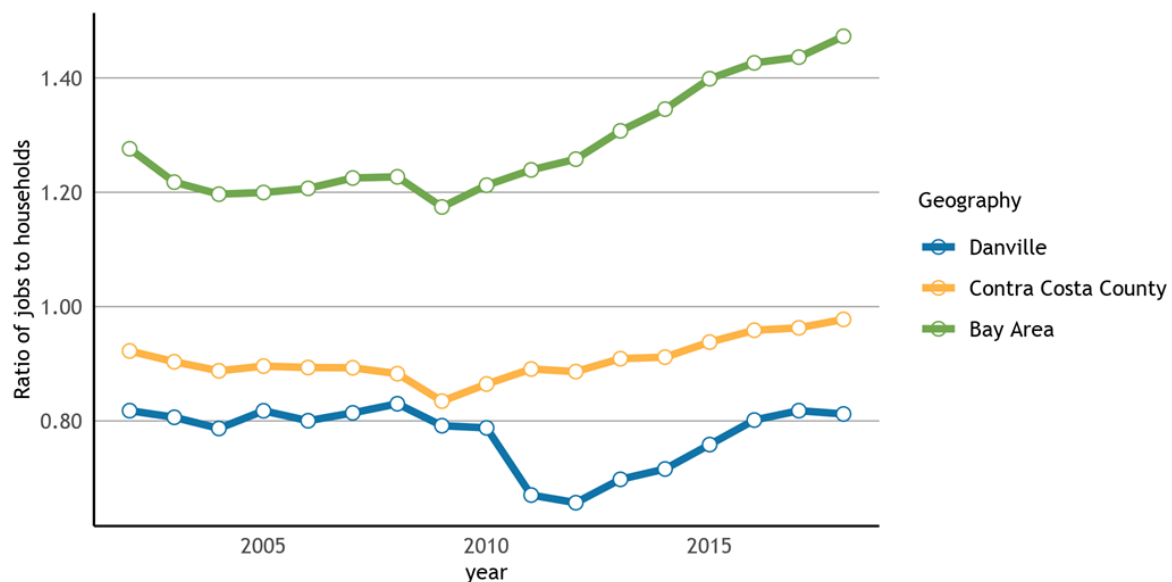
The Town of Danville encompasses approximately 11,600 acres (18.1 square miles). As described in its 2030 General Plan, the community is characterized by suburban and rural residential neighborhoods with limited commercial or office development. Consequently, the number of jobs within the community is low.

According to the Housing Needs Data Report for Danville that is produced by ABAG, the jobs-household ratio (a close approximate to a jobs-to-housing ratio) in Danville has decreased from 0.82 in 2002 to 0.81 jobs per household in 2018 (Figure 2). At a macro level, the Draft PBA 2050 Blueprint reaffirms the small number of jobs on Map

3 of its Statutorily Required Plan Map set. Danville's jobs-to-housing ratio is far below a 'healthy' ratio of 1.5 jobs per housing unit advocated by the Building Industry Association (Attachment B).

Accommodating the proposed RHNA of 2,241 housing units for Danville would grievously exacerbate this jobs-to-housing imbalance by adding more housing to a housing-rich community. Furthermore, it would likely require the conversion of existing limited commercial and office property for housing development, thereby continuously worsen the perpetual imbalance.

Figure 2. Jobs-to-Household Ratio (source: ABAG Housing Needs Data Report)



C. Jurisdiction's Availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities, per Government Code Section 65584.04(e)(2)(B) and (C)

Danville is set in a narrow section of the San Ramon Valley, geographically constrained by the Las Trampas Ridgeline on the west, Mt. Diablo State Park to the northeast as well as major and minor ridgelines that run east-west through the community. Consequently, as noted in the Local Jurisdiction Survey, developable land areas are constrained to the valley floor as a result of protecting its farmlands, grazing lands, conservations lands and critical habitats, all of which are illustrated on the Draft PBA 2050 Blueprint's Statutorily Required Plan Maps 6 and 14.

Furthermore, given Danville's near build-out status, it lacks significant vacant or underutilized properties for the purpose of residential development.

D. Distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure, per Government Code Section 65584.04(e)(3)

Danville has limited to no access to regional public transit as it is located 10 miles from the closest BART stations in Walnut Creek to the north and Pleasanton to the south. Further, over the past two decades, transit service to Danville has consistently eroded to the point that it is now served only by a single bus line with 30-minute headways.

The net effect of allocating 2,241 housing units to a transit-poor community like Danville would be to further impose auto dependence and a significant socioeconomic burden (in time and resources) on a segment of the population that can least afford it.

2. Methodology: ABAG failed to determine Danville's share of the regional housing needs in a manner that furthers, and does not undermine, the five objectives listed in Government Code Section 65584(d).

A. The RHNA for Danville uses a methodology that undermines a statutory objective of the Government Code to promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, achieve greenhouse gas (GHG) emission reduction targets.

In fall 2020, both the Contra Costa Mayors Conference and the Tri-Valley Cities Coalition advocated strongly and vocally for the use of the 'Plan Bay Area 2050 Growth' (PBA 2050 Growth) as a baseline methodology. The PBA 2050 Growth methodology is rooted in the solid land use planning principle of placing housing where the jobs are - in the west and south bay. Using this methodology would have supported the statutory objective to promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, and achieve GHG reduction targets. More importantly, there is no evidence that assigning housing closer to job centers would be less beneficial to promoting social equity and housing access for all.

Despite concerns raised by Contra Costa and Tri-Valley communities, the ABAG Executive Board elected to use the alternative 'Plan Bay Area 2050 Future Households' (PBA 2050 Future HH) as a baseline methodology. The alternative methodology -

along with additional weights and factors – is intended to prioritize social equity over a jobs-to-housing balance. In doing so, it pushed the housing allocation from the west and south bay to the north and east bay (Figure 3).

Figure 3. ABAG's adopted PBA 2050 HH methodology (column 3) reduced RHNA allocations south and west bay at the expense of the north and east bay.

County	PBA 2050 Growth Modified Option 8A (Recommended by CCMC)	PBA 2050 Future HH PBA 2050 Future HH (Recommended by HMC)	Difference	%
Alameda	82,655	88,290	+5,635	+7%
Contra Costa	34,742	53,520	+18,778	+54%
Marin	10,603	15,460	+4,857	+46%
Napa	2,955	6,560	+3,605	+122%
SF	44,843	54,690	+9,847	+22%
San Mateo	44,312	44,100	-212	---
Santa Clara	180,588	128,410	-52,178	-29%
Solano	14,437	20,550	+6,113	+42%
Sonoma	26,043	29,550	+3,507	+13%

Doing so alleviates the west and south bay's obligation to compensate for decades of housing underproduction in favor of job growth (Figure 4). This alternative methodology also perpetuates the lengthy and arduous commutes experienced most acutely by residents of east bay communities, an area of the bay that is the largest exporter of workers in the metropolitan area (Figure 5).

As a consequence, the alternative methodology ultimately adopted by ABAG generates a RHNA for Danville that advances some of the statutory objectives (such as increasing housing supply and mix of housing types in all cities) at the expense of others (such as the State mandate to achieve GHG reductions through a better jobs-to-housing balance). This will result in greater Vehicle Miles Traveled (VMT), not less, and local GHG targets will become impossible to achieve.

Figure 4. Job Growth in the SF Bay Area, 2010-2016 (source: ABAG/MTC).

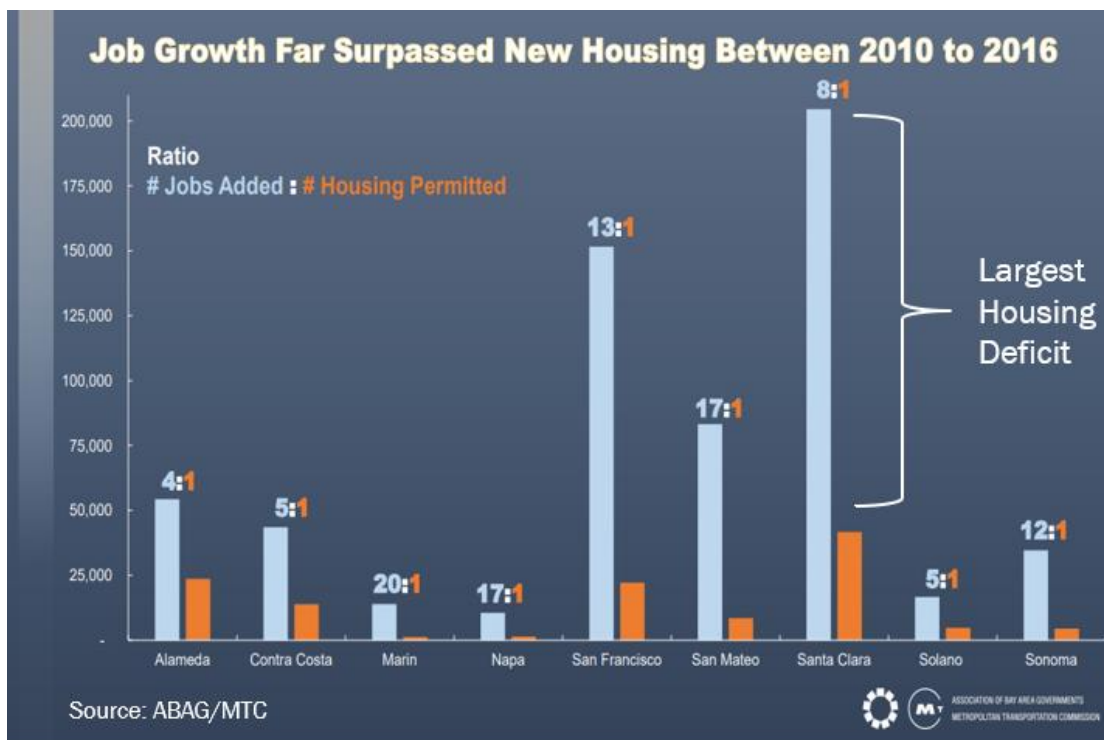
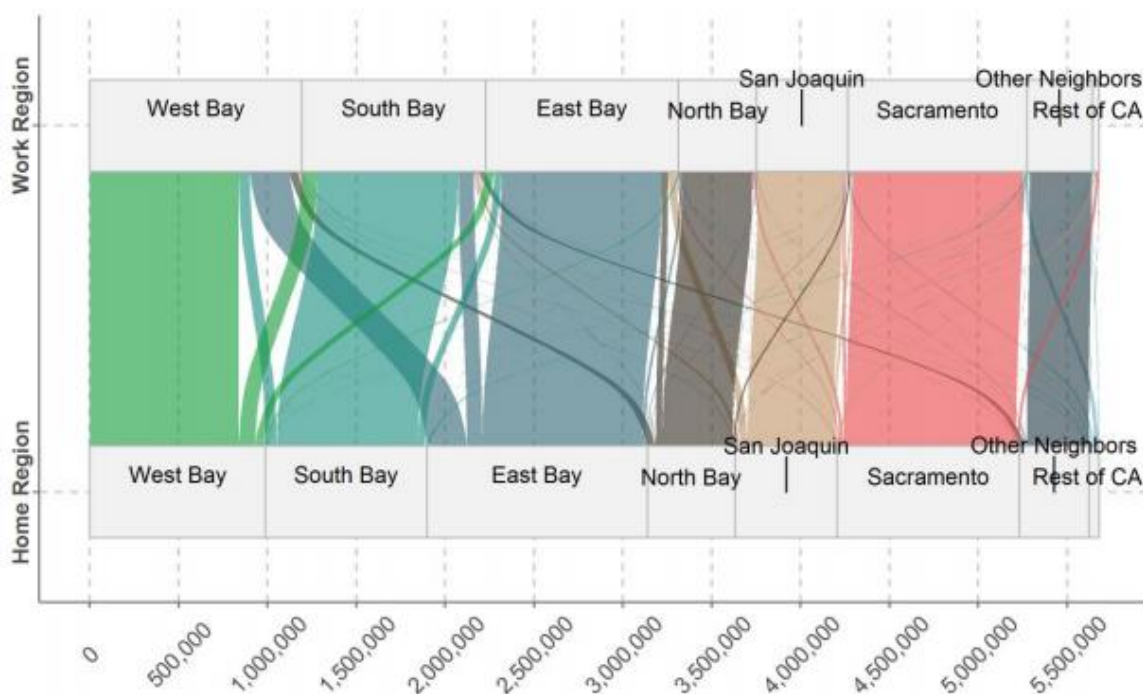


Figure 5. Bay Area Commute Flows, illustrating the East Bay as the largest exporter of workers to the west and south bays (source: Draft PBA 2050 Regional Growth Forecast Methodology memorandum, page 13).



Source: CTPP 2012-2016, Table B302102

B. The RHNA for Danville, using the 'Plan Bay Area 2050 Future Households' baseline, does not affirmatively further fair housing.

While the Draft RHNA provides a vitally important emphasis on equity, we believe the unintended consequences of the methodology adopted by ABAG may actually work against equity goals by:

- Inadequately addressing jobs-to-housing imbalances in the region, requiring people who can least afford it to travel long distances to major job centers. This comes at a significant economic, social and environmental cost to those residents.
- Prioritizing housing growth away from cities that want and need new housing to serve their communities and support their local economies (as repeatedly expressed by the City of Richmond).

Furthermore, allocating housing units to nearly built-out communities such as Danville would result in the need to re-designate lands with existing economically viable land uses, which carry high land costs. Consequently, re-development of these lands would result in housing that is far from affordable without public subsidies.

As an example, Danville changed the General Plan land use designation and zoning of a 4.62-acre site from office to multifamily residential as part of its 2013 Housing Element Update effort. This resulted in an approximate four-fold increase in the property's value, which benefitted only the landowner when the property was sold to a developer. The developer then invoked the State Density Bonus Law, which permitted an automatic increase in density in return for restricting a small percentage of the units for 'very low' income households. In the end, the combination of mandated up-zoning and State Density Bonus law yielded just 10 'very low' income units while the remaining 134 units rent at market rate (ranging from \$2,500 for a small studio to just under \$5,000 for a 2-bedroom apartment).

In a nutshell, up-zoning land in build-out communities simply adds economic value only for the landowner and yields negligible amount of affordable housing. Using RHNA as a social equity tool has the unintended consequence of inflating land costs to a point where it is infeasible to build much (if any) affordable housing.

3. **Changed Circumstances: A significant and unforeseen change in circumstance has occurred in the jurisdiction after February 5, 2020 and merits a revision of the information previously submitted by the Town, per Government Code Section 65584.04(b)(3).**

In the Town's response to the Local Jurisdiction Survey submitted to ABAG, we identified the provision of water as an "opportunity." In the intervening period, the State of California – along with most of the west - is now grappling with a drought that depletes limited water supply from reservoirs that have never replenished due to the fact that a warm spring and early season heat resulted in the snowpack simply seeping into bone-dry soils or evaporating directly into the atmosphere.

While experts debate whether these are signs of a megadrought or the beginning of a new multi-year drought event, what is clear is that the State has now declared a drought state of emergency for 50 or 58 counties. Danville's water provider, the East Bay Municipal Utility District ("EBMUD"), has declared its service area to be in State 1 Drought conditions and imposed a 10% voluntary demand reduction. Consequently, water supply is now a "constraint" on new development in Danville.

Of greater importance to note is that EBMUD's Draft 2020 Urban Water Management Plan calculates water demand in drought conditions based only on population projections from Plan Bay Area 2040 (PBA 2040), not the forecasted increases in population contained in the Draft PBA 2050 Blueprint nor the distribution of additional housing units to EBMUD's service area through the RHNA process.

ADDITIONAL CONSIDERATIONS

While Danville recognizes that the following concerns are not established as bases for appeal, the Town continues to assert that both the RHNA process and methodology are flawed for a number of reasons, including:

1. **There is insufficient evidence to demonstrate that the RHNA for Danville is consistent with the development pattern in Bay Area's Sustainable Communities Strategy (aka, the Draft Plan Bay Area 2050 Final Blueprint).**

SB 375 requires that the RHNA is consistent with the Sustainable Communities Strategy. In other words, consistency between the 2023-2031 RHNA and the Plan Bay Area 2050 Draft Blueprint (PBA 2050) is statutorily required. ABAG's RHNA Draft Methodology report (February 2021) concludes that the two documents are consistent since "8-year growth level from RHNA does not exceed the 35-year housing growth level" (page 12). This conclusion is flawed on several levels.



Figure 7. Bay Area household and jobs forecasts, aggregated at 'superdistrict' areas.

PLAN BAY AREA 2050			GROWTH PATTERN									
			PROJECTED HOUSEHOLD AND JOB GROWTH, BY SUPERDISTRICT									
COUNTY	SUPER-DISTRICT	SUPERDISTRICT NAME	HOUSEHOLDS					JOBS				
			2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	1 to 4	San Francisco County (Combined)	366,000	578,000	213,000	+58%	16%	682,000	918,000	236,000	+35%	17%
San Mateo	5	North San Mateo County	96,000	166,000	69,000	+70%	5%	130,000	188,000	58,000	+44%	4%
	6	Central San Mateo County	87,000	121,000	34,000	+39%	2%	110,000	123,000	13,000	+12%	1%
	7	South San Mateo County	80,000	106,000	26,000	+32%	2%	152,000	196,000	44,000	+29%	3%
Santa Clara	8	Northwest Santa Clara County	74,000	102,000	28,000	+38%	2%	180,000	207,000	27,000	+15%	2%
	9	North Santa Clara County	107,000	320,000	213,000	+199%	16%	370,000	629,000	259,000	+70%	18%
	10	West Santa Clara County	121,000	172,000	51,000	+42%	4%	145,000	197,000	52,000	+36%	4%
	11	Central Santa Clara County	105,000	168,000	63,000	+60%	5%	178,000	263,000	85,000	+48%	6%
Alameda	12	East Santa Clara County	108,000	180,000	72,000	+67%	5%	121,000	170,000	49,000	+40%	3%
	13	Central South Santa Clara County	73,000	91,000	18,000	+25%	1%	57,000	77,000	21,000	+36%	1%
	14	South Santa Clara County	35,000	43,000	8,000	+24%	1%	49,000	68,000	18,000	+37%	1%
	15	East Alameda County	72,000	132,000	60,000	+82%	4%	138,000	156,000	18,000	+13%	1%
Contra Costa	16	South Alameda County	105,000	152,000	47,000	+45%	3%	142,000	221,000	79,000	+56%	6%
	17	Central Alameda County	120,000	160,000	40,000	+33%	3%	157,000	205,000	128,000	+82%	9%
	18	North Alameda County	181,000	287,000	107,000	+59%	8%	275,000	358,000	83,000	+30%	6%
	19	Northwest Alameda County	73,000	115,000	42,000	+57%	3%	155,000	162,000	7,000	+5%	0%
Solano	20	West Contra Costa County	89,000	123,000	34,000	+38%	2%	79,000	132,000	53,000	+66%	4%
	21	North Contra Costa County	85,000	134,000	49,000	+58%	4%	121,000	184,000	63,000	+52%	4%
	22	South Contra Costa County	60,000	89,000	29,000	+47%	2%	81,000	74,000	-7,000	-9%	-1%
	23	East Contra Costa County	55,000	70,000	15,000	+28%	1%	66,000	60,000	-6,000	-9%	0%
Napa	24	East Contra Costa County	94,000	136,000	42,000	+45%	3%	56,000	84,000	28,000	+51%	2%
	25	South Solano County	53,000	57,000	5,000	+9%	0%	45,000	62,000	17,000	+37%	1%
	26	North Solano County	89,000	119,000	30,000	+34%	2%	87,000	139,000	53,000	+61%	4%
Sonoma	27	South Napa County	34,000	40,000	5,000	+15%	0%	48,000	66,000	18,000	+39%	1%
	28	North Napa County	16,000	16,000	0	+1%	0%	24,000	20,000	-4,000	-14%	0%
	29	South Sonoma County	64,000	83,000	19,000	+30%	1%	72,000	80,000	8,000	+11%	1%
Marin	30	Central Sonoma County	88,000	96,000	8,000	+11%	1%	118,000	131,000	14,000	+12%	1%
	31	North Sonoma County	36,000	39,000	3,000	+9%	0%	31,000	40,000	9,000	+28%	1%
	32	North Marin County	23,000	30,000	7,000	+28%	0%	29,000	29,000	0	+0%	0%
	33	Central Marin County	44,000	66,000	22,000	+50%	2%	63,000	49,000	-14,000	-23%	-1%
REGION	34	South Marin County	41,000	50,000	9,000	+22%	1%	44,000	40,000	-4,000	-10%	0%
			2,677,000	4,043,000	1,367,000	+51%	100%	4,005,000	5,408,000	1,403,000	+35%	100%

Numbers may not always sum to 100% due to rounding.

In addition to being opaque, the aggregation of data outputs renders it impossible for communities like Danville to determine whether there is consistency between their RHNA allocation and the Draft PBA 2050.

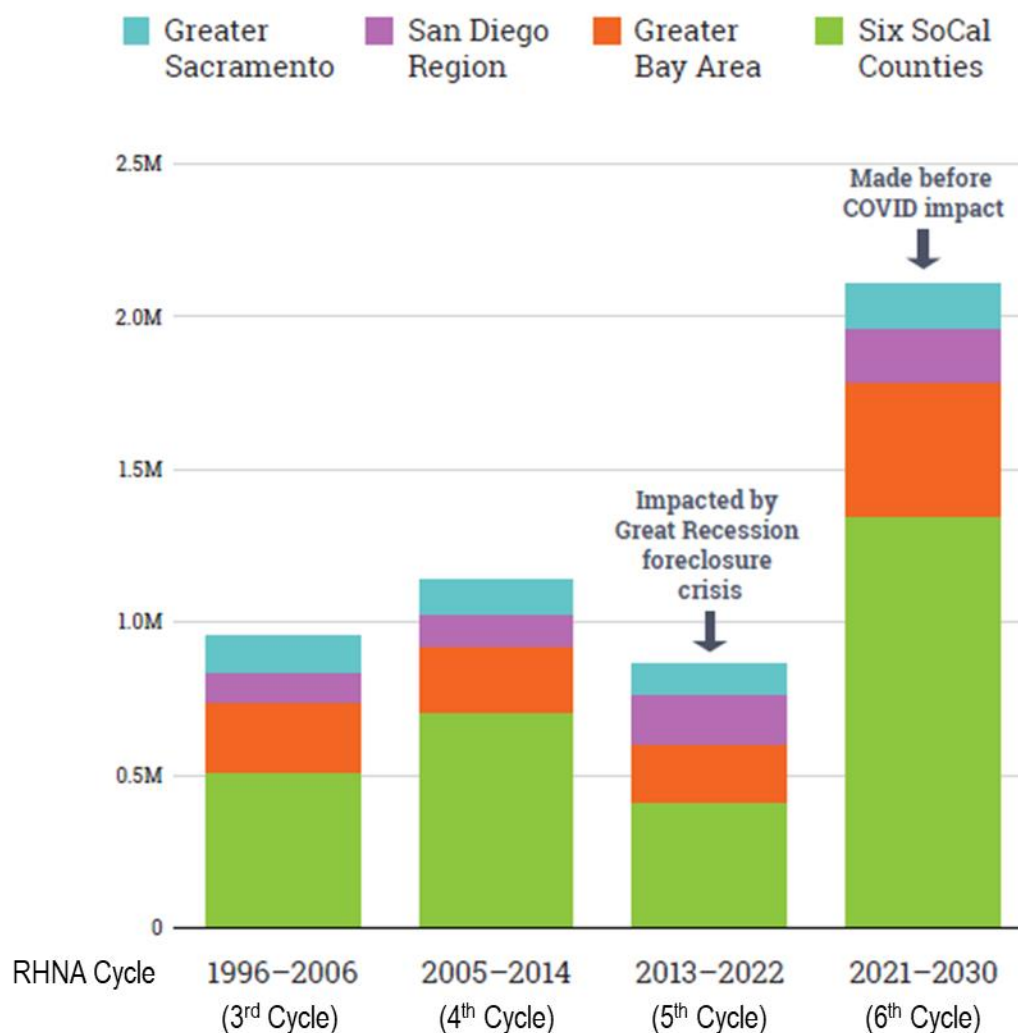
Lastly, demonstrating consistency at a subregional level is meaningless, as sub-regions do not have the authority to write, adopt, or implement Housing Elements. This responsibility rests with cities and counties alone. Subregions contain jurisdictions with vastly different populations, employment bases, geographies, hazard levels, and physical constraints. Lumping dissimilar cities together as sub-regions in the Draft PBA 2050, and then assigning growth at the city-level through the RHNA process, makes it impossible to determine consistency between the two processes. At the very least, it is certainly not transparent.

2. State Regional Housing Needs Determination during the 6th RHNA reflects a historic methodological anomaly.

Recent reports published by the Embarcadero Institute noted that the Regional Housing Needs Determination (RHND) for the four major metropolitan regions,

which contains approximately 80% of the state's housing supply, reflects a historic anomaly (Figure 8). Danville acknowledges the controversy surrounding these reports. However, it is necessary as public agencies to question – and challenge when appropriate – anomalies in the methodology (Figure H).

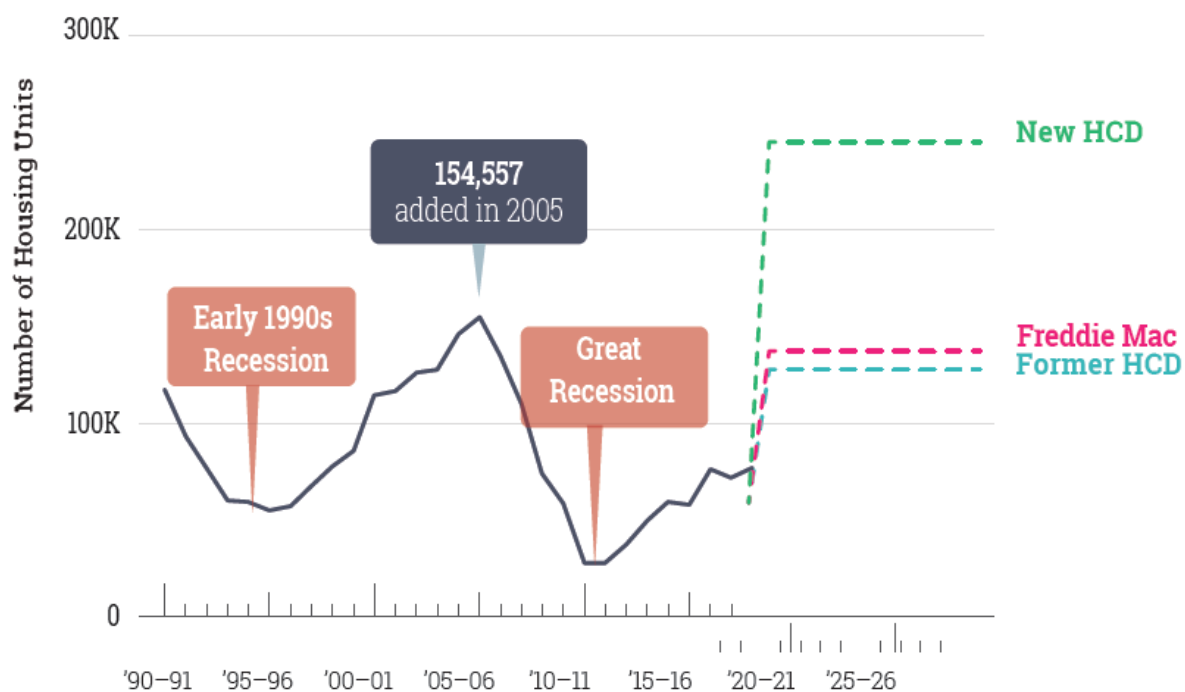
Figure 8. Regional housing needs determination from State HCD, based on RHNA cycle (source: Embarcadero Institute).



3. External forces – including the economy, construction labor costs, and land prices – have far greater impact on housing production than RHNA, city practices or public policies.

During the last housing boom in 2005, the four major metropolitan regions added just over 150,000 housing units, the highest rate in three decades (Figure 9). The production rate was greatly impacted by the Great Recession and regardless of the RHNA assigned or the penalties at risk, cities can not produce housing that is within the control of the private market.

Figure 9. Housing production from 1990 – 2018 (source: Embarcadero Institute).



The housing target assigned to the San Francisco Bay Area for the next 8 years far exceeds what the private industry was capable of yielding at its former peak.

4. State Regional Housing Needs Determination does not reflect a long-term trend of slowing population growth.

For the first time in more than a century, the California State Department of Finance (DOF) recorded a net loss in population in 2020 – a decline of about 182,000 residents. The report from DOF is consistent with 2020 Census figures released in April 2021, revealing that California experienced its slowest growth rate in its 170-year history.

According to the Public Policy Institute of California, during the 2010s about 6.1 million people moved out of California, while only 4.9 million people moved in from other parts of the country. A combination of factors – the large out migration, limited domestic in migration, slowing international immigration, and fewer births – have resulted in the loss of a congressional seat.

Given that this is an acknowledged long-term trend, it is appropriate to question a methodology that generates housing targets that far exceeds what the private development market can produce during California's boom years.

5. Effects of the pandemic as it relates to hybrid work and its impact on driving patterns, have not been considered for the long term and do not correlate to the assumptions used in the forecast model that is the basis for allocating RHNA.

ABAG/MTC indicated that certain adjustments were made to address the effects of the pandemic as part of the Plan Bay Area 2050 projections, though it is unclear whether these adjustments reflect short-term or long-term impacts. More critically, it is unclear whether these adjustments or the forecast modeling assumptions used can be validated against post-pandemic conditions.

As an example, while most major technology firms have announced that 'hybrid' work would be allowed post-COVID, they have also made it clear that the future involves large numbers of employees working back in the office. As recently reported in Mercury News and observed by many who commute in the 'new normal', flexible work schedules have resulted in dramatic traffic unpredictability where gridlock or free flow patterns can occur at any moment throughout the day.

These emerging patterns do not correlate to the Draft PBA 2050 Blueprint whose environmental strategies, modeling assumptions, and conclusions on achieving GHG emission reduction targets are predicated upon an expectation that in the future "large employers would have to ensure that no more than 40% of their workforce commutes by car on an average workday under the Plan Bay Area 2050 vision" (source: Draft PBA 2050 Blueprint, Chapter 5: Environment, p. 84).

Danville RHNA Appeal

Page 14

Attachment A - Administrative Staff Report, Town Council Approval of 2030 General Plan (reference to elimination of PDA on page 2)

Attachment B - Building Industry Association, Bay Area Jobs-Housing-Imbalance Chart

ATTACHMENT A



ADMINISTRATIVE STAFF REPORT

4

TO: Mayor and Town Council

March 19, 2013

SUBJECT: Resolution No. 23-2013, certifying the Final Environmental Impact Report for the 2030 Danville General Plan and Sustainability Action Plan and adopting Findings and a Statement of Overriding Considerations; Resolution No. 24-2013, adopting the Town of Danville Sustainability Action Plan; and Resolution No. 25-2013, adopting the Town of Danville 2030 General Plan

BACKGROUND

Under the California Government Code, each city and county in California is required to maintain a general plan, which typically covers a time horizon of 15-20 years. A general plan is the comprehensive long-term document that guides the physical development of land within a city or town. The Draft 2030 Plan will be the third general plan prepared by the Town. The previous plans include the 2005 General Plan (approved in 1987) and the 2010 General Plan (approved in 1999).

The Draft 2030 Plan carries forward the overarching vision identified in all prior general plans, which is to: (1) preserve and reinforce Danville's small town character; (2) protect the quality of life; (3) couple orderly growth with high quality public services; and (4) protect natural resources and preserve open space.

DISCUSSION

Substantial public input was provided over the course of five Planning Commission public hearings held on the Draft 2030 Plan (2030 Plan), Draft Sustainability Action Plan (SAP) and Final Environmental Impact Report. Town Councilmembers have attended each of the Planning Commission meetings to listen to public testimony provided. All of the testimony received, written materials submitted to the Town, and the Planning Commission's recommendations were considered by the Town Council at their March 5, 2013 public hearing.

The Town Council provided direction on additional changes to be incorporated into the Draft 2030 Plan and Draft SAP at the conclusion of its March 5th public hearing. These changes have been incorporated into a revised 2030 Plan and a revised SAP, which were uploaded to the Town's General Plan Update website (www.danvillegeneralplan.com) on March 12, 2013. The Town Council's direction is summarized in the section below.

1. **Priority Development Area (PDA):** Remove language associated with the proposed PDA and modify the Draft 2030 Plan accordingly.

The revised Draft 2030 Plan reflects the removal of the PDA language. It should be noted that much of the PDA text was incorporated into the section of the Draft 2030 Plan that applied to Downtown Danville. In eliminating reference to the PDA, the remaining goals and policies that apply only to Downtown Danville – some of which are carried forward from the 2010 General Plan – remain in the draft document.

2. **Sustainable Communities Strategy and Association of Bay Area Governments:** Remove references to the Sustainable Communities Strategy (SCS), which is a requirement of Senate Bill 375. Also known as OneBayArea, this regional plan has yet to be adopted and should not be included in the Draft 2030 Plan or the Draft SAP. Remove background language regarding the Association of Bay Area Governments (ABAG).

The revised Draft 2030 Plan and revised Draft SAP reflect removal of language that describes the currently ongoing SCS or OneBayArea Plan. Background language that describes the role of ABAG has been removed. Because ABAG produces forecasts for the Bay Area, certain references to ABAG projections remain in the document as a reference to the information source.

3. **Measure S:** Retain the existing 2010 General Plan definition of “Agriculture” with language to describe how Measure S is implemented, delete a text box describing Measure S, and incorporate the full language of Measure S as a part of the Draft 2030 Plan.

The revised Draft 2030 Plan has been modified to reflect this direction. It should be noted that while the 2010 General Plan’s definition of “Agriculture” is outdated (because not all lands with an agricultural designation are currently bound by the Williamson Act, as inferred by the definition), the language will be carried forward verbatim consistent with Town Council direction.

4. **Housing Opportunity Sites:** Designate only the Borel Property (Site 24A&B) and Diablo Gateway – Part 3 (Site 19) as the housing sites necessary to meet the 9.6-acre Regional Housing Needs Allocation (RHNA) shortfall. Further, the Town Council directed that the density range for the Residential-Multifamily-High Density land use designation be lowered from 25-35 dwelling units per acre to 25-30 dwelling units per acre.

The revised Draft 2030 Plan has been modified to reflect these two properties as housing sites necessary to meet the 2007-2014 RHNA allocation, with the revised density range for Residential-Multifamily-High Density land use designation as shown below.

Table A. Housing Opportunity Sites: Those that count toward RHNA Shortfall (ranked in order of recommended priority)			
HOS #	Name	Acreage	Density
24A	Borel (southern portion)	5.00 acres	25-35 30 dus/acre
24B	Borel (northern portion)	2.00 acres	20-25 dus/acre
19	Diablo Gateway - Part 3	3.75 acres	25-35 30 dus/acre
21	Danville Bowl	1.72 acres	25-35 dus/acre
27	Diablo Gateway - Part 1	2.65 acres	25-35 dus/acre
12	El Cerro/I-680	2.20 acres	20-25 dus/acre
26	Fosteria Way Terminus	2.75 acres	20-25 dus/acre
23	SRVB South	1.69 acres	20-25 dus/acre

5. **Sustainability Context:** Revise the Draft SAP to eliminate background discussion on global climate science change, and measures related to the proposed PDA, multifamily or high density housing, modified parking standards and heat island mitigation. Ensure that water efficiency measures are consistent with current Town policy.

The Revised Draft SAP has been modified to reflect this direction.

CEQA Documents

A General Plan Update is considered a “project” under the California Environmental Quality Act (CEQA). As such, it is subject to environmental review. Pursuant to CEQA, an Initial Study checklist was completed for the project to evaluate potential impacts and a Draft Environmental Impact Report (Draft EIR) was released for public review on October 11, 2012.

The Final Environmental Impact Report (Final EIR), which contains a detailed Response to Comments section that addresses questions that were raised pertaining to the Draft EIR, was included in the February 12, 2013 Planning Commission packet for review and consideration. A large percentage of the comments received on the Draft EIR focused on two primary topics: (1) agricultural lands and Measure S; and, (2) ABAG and the OneBay Area process. In order to address those topics, the Response to Comments section of the Final EIR contains two Master Responses which provide comprehensive answers to these topics.

The Final EIR identified significant unavoidable impacts associated with air quality and greenhouse gas emissions. The Draft 2030 Plan and the Draft SAP include goals, policies and actions that would reduce greenhouse gas emissions resulting from activities across all

emissions sectors within the Town, which in conjunction with state and federal policies, would help the Town reach the State-mandated greenhouse gas reduction goal of 15 percent below the “business-as-usual” scenario by 2020. Nevertheless, existing policies and technology are inadequate to meet the State’s aggressive long-term GHG emissions reduction goal for the year 2050; therefore no additional mitigation is available and the impact would remain significant and unavoidable. At its February 12, 2013 public hearing, the Planning Commission recommended certification of the Final EIR for the Draft 2030 Plan and the Draft SAP.

The resolutions attached for Town Council consideration have been modified subsequent to the March 5, 2013 public hearing to reflect the changes highlighted in this staff report. The necessary Findings and Statement of Overriding Considerations, which also has been revised, is included as Exhibit 1 to Resolution No. 23-2013 (Attachment A).

PUBLIC CONTACT

In addition to a public notice placed in a newspaper of general circulation, an informational postcard was direct mailed to every postal address in Danville (representing approximately 16,500 direct mail pieces). A supplemental direct mailed notice was mailed to individuals with ownership interest in any Housing Opportunity Sites in advance of the March 5, 2013 Town Council public hearing. Furthermore, an email notification was sent to all individuals who provided comments to the Town via email; and a separate, direct mailed notice was sent to all attendees of the Planning Commission meetings who supplied a mailing address on the Speaker Card filled out at the public hearings.

The Town also distributes General Plan Update information and public hearing notices electronically to its website subscription of over 300 email addresses. Lastly, all materials related to this meeting were posted to a dedicated Danville 2030 General Plan website at www.danvillegeneralplan.com

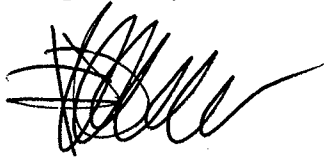
FISCAL IMPACT

Not applicable.

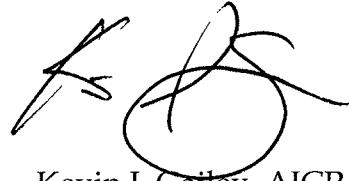
RECOMMENDATION

Adopt Resolution No. 23-2013, certifying the Final Environmental Impact Report for the 2030 Danville General Plan and Sustainability Action Plan and Adopting Findings and a Statement of Overriding Considerations; Resolution No. 24-2013, adopting the Town of Danville Sustainability Action Plan; and Resolution No. 25-2013, adopting the Danville 2030 General Plan.

Prepared by:

A handwritten signature in black ink, appearing to read 'Tai J. Williams'.

Tai J. Williams, AICP
Community Development Director

A handwritten signature in black ink, appearing to read 'Kevin J. Gailey'.

Kevin J. Gailey, AICP
Chief of Planning

- Attachment A-1: Resolution No. 23-2013, certifying the Final Environmental Impact Report for the 2030 Danville General Plan and Sustainability Action Plan and adopting Findings and a Statement of Overriding Considerations, included as Exhibit 1
- Attachment A-2: Resolution No. 24-2013, adopting the Town of Danville Sustainability Action Plan
- Attachment A-3: Resolution No. 25-2013, adopting the Town of Danville 2030 General Plan

RESOLUTION NO. 23-2013

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2030
DANVILLE GENERAL PLAN AND SUSTAINABILITY ACTION PLAN AND
ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING
CONSIDERATIONS**

WHEREAS, the Town of Danville has prepared an update to its General Plan and has prepared a Sustainability Action Plan as a companion document; and

WHEREAS, both the General Plan Update and the Sustainability Action Plan are defined as “projects” under CEQA and are therefore subject to environmental review; and

WHEREAS, the Town of Danville determined that an Environmental Impact Report (EIR) would be required for the project; and

WHEREAS, the Town of Danville prepared and circulated a Notice of Preparation on May 3, 2011 for a 30-day review period ending on June 8, 2011; and

WHEREAS, the Town of Danville held a publicly noticed scoping session on the 2030 General Plan Environmental Impact Report on May 10, 2011; and

WHEREAS, the Town of Danville subsequently completed a Draft Environmental Impact Report in accordance with State law; and

WHEREAS, on October 11, 2012, the Draft Environmental Impact Report was released by the Town of Danville to the public and local and State agencies for review; and

WHEREAS, a public notice was published in the Contra Costa Times, followed by a review period ending on December 5, 2012, which exceeded the State-mandated 45-day period for commenting on the Draft EIR; and

WHEREAS, post cards were mailed to more than 16,500 addresses advertising a public hearing on the Draft EIR which occurred on November 27, 2012; and

WHEREAS, public comment was received by the Planning Commission at that hearing, and at subsequent hearings on the Draft 2030 General Plan (2030 Plan) and the Draft Sustainability Action Plan on December 11, 2012, January 8, January 22, and February 12, 2013; and

WHEREAS, the Planning Commission forwarded a recommendation to the Town Council to adopt, with modifications, the Draft 2030 General Plan and the Draft Sustainability Action Plan and to certify the Final EIR; and

WHEREAS, the Town Council held a public hearing on March 5, 2013, to receive public comment regarding the Draft 2030 General Plan, the Draft Sustainability Action Plan and the Final EIR; and

WHEREAS, at that meeting the Town Council provided direction to make additional changes to the Draft 2030 General Plan and Draft Sustainability Action Plan; and

WHEREAS, Town staff has incorporated those proposed changes into revised plans, both of which were made available to the public for review on March 12, 2013; and

WHEREAS, the Town Council continued its public hearing on March 19, 2013, at which time it received additional public comment regarding the revised draft 2030 General Plan and the revised draft Sustainability Action Plan and the Final EIR; and

WHEREAS, the Town Council reviewed and considered the information contained in the Draft and Final EIRs and the testimony presented at public hearings; and

WHEREAS, the Town Council found the Final EIR to reflect the independent judgment and analysis of the Town of Danville; and

WHEREAS, the Town Council found the Final EIR provided specific economic, legal, social, technological, and other considerations with necessary supporting documentation as to why there were not feasible mitigation measures or alternatives to reduce those impacts identified as significant and unavoidable to a less than significant level; and

WHEREAS, the Town Council found that the recommended revisions to the 2030 Plan as a result of the public hearings and Council direction will not create new environmental impacts, and will not result in more intensive impacts on the environment than what was analyzed in the Draft EIR; and

WHEREAS, prior to taking action, the Town Council has heard and been presented with, reviewed, heard, and considered all of the information and data in the administrative record, including the Draft EIR, the Final EIR, the revised 2030 General Plan and Sustainability Action Plan and other documentation related to the project; and

WHEREAS, the 2030 Plan and Sustainability Action Plan cannot be approved unless a Statement of Overriding Considerations is adopted which evaluates the benefits of the proposed plan against its unavoidable impacts; and

WHEREAS, the provisions of CEQA and the State CEQA Guidelines have been met, and the Final EIR, Findings, and Statement of Overriding Considerations have been prepared and are sufficiently detailed so that all of the potential significant effects of the project on the environment and measures necessary to avoid or substantially mitigate those effects have been evaluated; and

WHEREAS, the Findings and Statement of Overriding Considerations are attached to this Resolution as Exhibit 1; now, therefore, it be

RESOLVED by the Danville Town Council that:

Section 1. The Town Council hereby finds that the Final EIR has identified and discussed significant effects that will occur as a result of the Danville 2030 General Plan and Sustainability Action Plan, as revised.

Section 2. The Town Council declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate, through adoption of all feasible mitigation measures, all potential impacts that may result from the Project.

Section 3. The Town Council concurs with the Statement of Overriding Considerations in Exhibit 1 attached to this Resolution and incorporated herein by this reference and adopts the Statement as well as the Findings that the benefits of the 2030 Plan and the Sustainability Action Plan will outweigh those adverse environmental impacts that are not reduced to a less than significant level. The Town Council also finds that there are no additional feasible alternatives or mitigation measures within its powers that would substantially lessen or avoid any significant effects that the 2030 Plan or the Sustainability Action Plan would have on the environment.

Section 4. The Town Council certifies the Final EIR for the 2030 Plan and the Sustainability Action Plan, including the October 2012 Public Review Draft EIR and the February 2013 Final EIR.

Section 5. The Town Council authorizes that a Notice of Determination shall be filed within five working days of approval of the project.

APPROVED by the Danville Town Council at a regular meeting on _____, by the following vote:

AYES:

NOES:

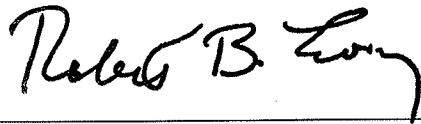
ABSTAINED:

ABSENT:

MAYOR

APPROVED AS TO FORM:

ATTEST:



CITY ATTORNEY

CITY CLERK

Exhibit 1

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SECTION II. TOWN OF DANVILLE 2030 GENERAL PLAN AND REVISED SUSTAINABILITY ACTION PLAN CEQA STATEMENT OF OVERRIDING CONSIDERATIONS

1.0	Statement of Overriding Considerations	II-1
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SECTION I

TOWN OF DANVILLE 2030 GENERAL PLAN AND REVISED SUSTAINABILITY ACTION PLAN EIR STATEMENT OF FINDINGS

1.0 INTRODUCTION

Section 1.1 of this document provides a description of CEQA Statute regarding findings related to a project. Section 1.2 provides a description of the public review process that has lead decision makers to their conclusions regarding this proposed 2030 General Plan and Revised Sustainability Action Plan (SAP). Section 2.0 presents the purpose and background of the project, including a Project Description to familiarize the reader with the 2030 General Plan and SAP, and to provide the context upon which these Findings are based. Section 3.0 of this document presents the substantiation for certification of the Final EIR. The Findings in Section 4.0 relate to those impacts that have been determined to be less than significant. Section 5.0 contains Findings for impacts that are considered significant and unavoidable. Section 6.0 contains the Findings for cumulative impacts and Section 7.0 contains Findings regarding monitoring of mitigation measures. Section 8.0 contains Findings regarding the alternatives to the proposed 2030 General Plan and SAP. Section 9.0 contains Findings for growth-inducing impacts. The Statement of Overriding Considerations is contained in Section II of this document.

1.1 California Environmental Quality Act

The California Environmental Quality Act ("CEQA") (Public Resources Code §21000-21177) and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, §15000-15387) require that specific findings be made if a lead agency decides to approve a project which will have significant impacts. §21081 of the California Public Resources Code states:

[N]o public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one, or more, of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations. Including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The Environmental Impact Report ("EIR") for the Town of Danville 2030 General Plan and SAP (State Clearinghouse No. 1999062060) identifies significant or potentially significant environmental impacts which, prior to mitigation as well as after mitigation implementation, may occur as a result of implementation of the Town of Danville 2030 General Plan ("General Plan") and SAP. Thus, in accordance with the provisions of CEQA Statute and the State CEQA Guidelines, the Town of Danville, as the "lead agency" hereby adopts these Findings.

1.2 Environmental Review Process

In conformance with CEQA Statute and the State CEQA Guidelines, the Town of Danville prepared an environmental review of the proposed 2030 General Plan and SAP. The environmental review process has included the following:

◆ Scoping Process:

The Town of Danville prepared a Notice of Preparation (NOP) for the proposed CEQA Project in accordance with §15082 of the CEQA Guidelines. The NOP was distributed for public review on May 3, 2011. Environmental issues raised by comments received in response to the NOP during its 30-day public review period were considered for inclusion in the Draft EIR. Public and agency comments received on the NOP were reviewed and incorporated into the Draft EIR.

Pursuant to §15060(C) of the CEQA Guidelines, and §21083.8 of the State CEQA Statute, the Town of Danville proceeded with preparation of an EIR. The Draft EIR addressed environmental impacts in the following categories:

- ◆ Aesthetics
- ◆ Agricultural and Forest Resources
- ◆ Air Quality
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Geology, Soils, and Mineral Resources
- ◆ Greenhouse Gas Emissions
- ◆ Hazards and Hazardous Materials
- ◆ Hydrology and Water Quality
- ◆ Land Use
- ◆ Noise
- ◆ Population and Housing
- ◆ Public Services
- ◆ Traffic and Transportation
- ◆ Utilities and Infrastructure

◆ Preparation of a Draft EIR by the Town of Danville:

The Draft EIR was distributed to Responsible Agencies, other affected agencies, and interested parties. The Notice of Completion (NOC) of the Draft EIR was distributed as required by CEQA, including publication of notice in the *San Ramon Valley Times* on October 22, 2012. An extended public review period commenced on October 11, 2012 and the formal CEQA-mandated 45-day public review period concluded on December 5, 2012. During the public review period, the Draft EIR, including appendices, was made available and circulated for public review.

◆ Public Hearings on the Draft 2030 General Plan and EIR:

A public hearing was held by the Town of Danville Planning Commission on November 27, 2012 to receive public comment on the Draft EIR. The lead agency responded to all questions submitted verbally or in writing in the Final EIR.

◆ Preparation of the Final EIR:

Pursuant to Public Resources Code §21092.5, the Town prepared the Final EIR in response to comments on the Draft EIR. The Final EIR contains the following: refinements and clarifications to the Draft EIR; written comments received on the Draft EIR; responses to those comments; and testimony presented to the Planning Commission and responses thereto. The Final EIR was issued on February 8, 2012.

2.0 PURPOSE AND BACKGROUND

2.1 Description of the Project

These findings relate to the project, the Town of Danville 2030 General Plan and Revised Sustainability Action Plan (SAP). The project includes all of the Town of Danville within the town limits and land within both its Sphere of Influence (SOI) and Planning Area Boundary.

The Town of Danville is an 18-square-mile community located in the southwestern area of Contra Costa County commonly referred to as the San Ramon Valley. Danville is nestled at the eastern edge of the East Bay Hills, approximately 28 miles east of the Pacific Ocean and 22 miles east of San Francisco.

The Draft 2030 General Plan is the basis for the Town's land use and development policy, representing the basic community values, ideals, and aspirations governing development and conservation in Danville through the year 2030. The Draft 2030 General Plan addresses all aspects of development, including land use, community character, transportation, housing, public facilities, infrastructure, parks and open space, among other topics. The Revised Sustainability Action Plan focuses on policies which would help the Town achieve its State-mandated greenhouse gas reduction targets, as well as improve the Town's overall sustainability in regard to reduced use of energy, water, and other resources, as well as reduced generation of waste.

California Government Code §65300 requires the General Plan to be comprehensive and internally consistent. The General Plan must provide long-term guidance for the community. The General Plan must address all issues specified by State law and can be organized in a way that is most appropriate for the Town of Danville.

The proposed Draft 2030 General Plan carries forward the majority of Danville's existing 2010 General Plan and also incorporates the following: the Revised Sustainability Action Plan to guide the Town's efforts to meet State-mandated greenhouse gas emissions targets and enhance the overall environmental stewardship of the Danville community; and the redesignation of parcels for the provision of new and affordable housing, commensurate with the housing needs determined in Danville's Regional Housing Needs Allocation (RHNA).

It should be noted that the Draft 2030 General Plan proposes few changes to the land use designations as specified in the 2010 General Plan and subsequent amendments thereto. The 2030 General Plan goals, policies, and actions address buildout conditions within the Town and aim to accommodate anticipated population growth. According to the 2010 U.S. Census, there are approximately 42,039 residents currently located within the Town of Danville.

The overall objectives of the Danville Draft 2030 General Plan and SAP are to:

- ◆ Maintain and reinforce the small town way of life enjoyed by Danville residents, and to preserve the present aesthetics and other community qualities,
- ◆ Protect the quality of life within existing development areas of the community,
- ◆ Allow orderly and appropriate growth coupled with the maintenance of high-quality public facilities and services,
- ◆ Achieve harmony between Danville's development and its physical setting by protecting natural resources, avoiding development of hazardous areas, and preserving critical open space areas, and
- ◆ Facilitate the development of a variety of housing types in a manner that is consistent with State law and addressing regional housing needs.

Since publication of the original Draft 2030 General Plan and original Draft SAP in October 2012, the Danville Planning Commission and the Danville Town Council have held multiple public hearings on the adoption of these planning doc-

uments and the certification of the associated EIR. Partly in response to substantial input received during overwhelming public participation in these hearings, the Planning Commission and the Town Council directed Town staff to revise the Draft 2030 General Plan and Draft SAP to respond to feedback from citizens, and thereby better reflect the community values of Danville. Revisions of note to the Draft 2030 General Plan include changes to the list of sites which would undergo land-use redesignations for higher-density housing. Revisions of note to the Draft SAP include removal of quantified local greenhouse gas (GHG) reduction measures, due both to the afore mentioned changes in the Draft 2030 General Plan, as well as removal of mandatory local GHG reduction measures. None of these changes would result in new impacts or increases in the severity of previously identified impacts, therefore there are no changes to the conclusions of the EIR. For each cumulative and/or significant and unavoidable impact originally found by the EIR, these findings offer additional discussion of why these recent changes would not worsen identified impacts. Additionally, these revisions result in a Draft 2030 General Plan which, in certain limited respects, bears increased similarity to one of the alternatives discussed in the Draft EIR; however the Draft 2030 General Plan, as now proposed, remains the environmentally superior alternative. Additional discussion of this matter is provided in Section 8.0, Findings Regarding Alternatives.

2.2 Purpose of the EIR

Pursuant to CEQA, Public Resources Code sections 21000 et seq., and the CEQA Guidelines, California Code of Regulations, Title 14, §15000 et seq., (collectively, “CEQA”), the lead agency prepared an EIR for the 2030 General Plan and SAP to analyze their potential environmental effects. The Draft EIR was circulated for public review for an extended period beginning October 11, 2012, with the formal 45-day, CEQA-mandated public review period ending on December 5, 2012. Responses to comments were prepared and are contained in the Final EIR. The Town of Danville is the CEQA “lead agency” for the 2030 General Plan and SAP. The EIR was prepared by The Planning Center | DC&E for the Town of Danville.

2.3 The Use of a Program EIR

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines §15168 to accommodate a complete analysis of all of the components of the 2030 General Plan and SAP.

A Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related in one of the following ways:

- a) Geographically;
- b) As logical parts in the chain of contemplated actions;
- c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
- d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in a similar way.

A Program EIR enables the lead agency to consider broad environmental implications of development at an early stage in the process, sometimes when the project is still at a conceptual level, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, Program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

The Program EIR identifies and mitigates the effects of the overall program of development to the extent that they are known at this time. The lead agency incorporates feasible mitigation measures developed in the Program EIR into subsequent actions to implement the program. Requests for approval of subsequent entitlements in the program must be examined in light of the Program EIR to determine whether additional environmental review must be conducted. If the agency finds that pursuant to CEQA Guidelines §15162, no new effects could occur and no new mitigation is required, the agency can approve the activity as being within the scope of the Program EIR. However, if a later activity would have effects that were not examined in the Program EIR, additional environmental review would need to be conducted and additional opportunities for public review provided as appropriate under CEQA. Additional environmental review is required for subsequent discretionary approvals requested of the lead agency to implement the program, if, pursuant to §15162 of the CEQA Guidelines, the following circumstances occur:

- a) Substantial changes are proposed to the project description;
- b) Substantial changes occur with respect to the circumstances under which the project is undertaken (such as new regulatory requirements adopted relevant to the project); or
- c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, identifies new or more severe impacts from those identified in the program EIR or if new mitigation measures can be identified to offset impacts of the project.

2.4 Description of the Record

For purposes of CEQA and these findings, the record before the Town includes, without limitation, the following:

- 1) The NOP;
- 2) The Draft EIR and all appendices to the Draft EIR;
- 3) The Final EIR and all appendices to the Final EIR;
- 4) All notices required by CEQA, staff reports, and presentation materials related to the 2030 General Plan and SAP;
- 5) All studies conducted for the 2030 General Plan and SAP which are contained in, or referenced by, staff reports, the Draft EIR, or the Final EIR;
- 6) All public reports and documents related to the 2030 General Plan and SAP prepared for the Town and other agencies;
- 7) All documentary and oral evidence received and reviewed at public hearings and workshops and all transcripts and minutes of those hearings related to the 2030 General Plan, the SAP, the Draft EIR, and the Final EIR;
- 8) For documentary and informational purposes, all locally-adopted land-use plans and ordinances, including, without limitation, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area; and
- 9) Any additional items not included above, if they are required by law.

2.5 Discretionary Actions

The discretionary action for the proposed project involves the following approval by the Danville Town Council:

- 1) Certification of the EIR for the Draft 2030 General Plan and Revised Sustainability Action Plan
- 2) Adoption of the 2030 General Plan and Revised Sustainability Action Plan.

These findings are made by the Town pursuant to §15091 of the CEQA Guidelines. The Town is also adopting a "Statement of Overriding Considerations" pursuant to §15093 of the CEQA Guidelines.

3.0 GENERAL FINDINGS

3.1 Terminology of Findings

CEQA Guidelines §15091 requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the [Final] EIR." The second potential finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." The third permissible conclusion is that "[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR."

For purposes of these findings, the term "mitigation measures" shall constitute the "changes or alterations" discussed above. The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.

In the process of adopting any mitigation, the Town would also make decisions on whether each mitigation measure proposed in the Draft EIR is feasible or infeasible. Pursuant to the CEQA Guidelines, "feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, §15364.) When the Town finds a measure is not feasible, evidence for its decision will be provided. However, in the case of the Danville's 2030 General Plan and SAP, the plans are almost entirely self-mitigating; no additional mitigations were available or feasible for the significant impacts that were found by the Draft EIR to result from the project. Therefore, the Town will not be adopting any separate mitigation measures and there are thus no discrete mitigation measures for the Town to analyze.

3.2 Certification of Final Environmental Impact Report and Adoption of Findings

On March 19, 2013, the Town Council of the Town of Danville certified the Environmental Impact Report (SCH No. 1999062060) (the "EIR") for the 2030 General Plan ("General Plan") and Revised Sustainability Action Plan (SAP) (Resolution No. 23-2013). Based upon the substantial evidence in the record, the Town of Danville finds and declares as stated herein.

3.3 The Town of Danville is the "lead agency" for the Plan evaluated in the EIR. The Danville Town Council concurs with the Planning Commission recommendations and supports the findings by the Town of Danville that the EIR has been prepared in compliance with CEQA Statute and the State CEQA Guidelines.

3.4 The EIR evaluates the following environmental issues:

- ◆ Aesthetics
- ◆ Agricultural and Forest Resources
- ◆ Air Quality
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Geology, Soils, and Mineral Resources
- ◆ Greenhouse Gas Emissions
- ◆ Hazards and Hazardous Materials
- ◆ Hydrology and Water Quality
- ◆ Land Use
- ◆ Noise
- ◆ Population and Housing
- ◆ Public Services
- ◆ Traffic and Transportation
- ◆ Utilities and Infrastructure

The EIR considered the significant and unavoidable environmental effects, if any, as well as cumulative impacts in each of these environmental issue areas in Chapter 4 of the Draft EIR. Additionally, the Draft EIR considered the following issues in separate sections: Significant Unavoidable Impacts; Alternatives to the 2030 General Plan; Growth-Inducing Effects as a result of the 2030 General Plan; and Significant Irreversible Changes as a result of the 2030 General Plan.

The cumulative impacts of the 2030 General Plan and other past, present, and reasonably foreseeable future projects were considered in the EIR as required by CEQA (Public Resources Code §21083) and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, §15130). The cumulative analysis at the end of each section in Chapter 4 of the Draft EIR includes an analysis of future environmental conditions in the Town of Danville and surrounding areas to the extent required in order to determine the significance of the Plan's incremental contribution to cumulative impacts.

The cumulative impacts analysis in each section of Chapter 4 in the EIR concluded that all cumulative impacts resulting from implementation of the proposed General Plan and SAP would be less than significant, with two exceptions in the areas of air quality and traffic. These impacts, Impact AQ-CUM-1 and TRANS-1, are discussed in Sections 5.0 and 6.0 of this document.

- 3.5 The Danville Town Council finds that the Draft EIR and Final EIR provide objective information to assist the Town's decision-makers and the public-at-large in their consideration of the environmental consequences of the proposed 2030 General Plan and Revised Sustainability Action Plan. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the public review period and responds to comments made during the public review period (October 11, 2012 through December 5, 2012), as well as those made at, or prior to the noticed public meetings and/or public hearings on the issues relevant to the Draft EIR. The Final EIR also includes a summary of the oral and written comments made prior to the Planning Commission Public Hearing and responses to those comments.

The Danville Town Council finds that the Town evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA Statute, the Town prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments received by the Town. The Town has reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR, consistent with Public

Resources Code §21092.1 and CEQA Guidelines §15088.5. Specifically, changes resulting from comments made on the Draft EIR do not result in the following:

1. A significant new environmental impact that would result from the 2030 General Plan or an adopted mitigation measure;
2. A substantial increase in the severity of an environmental impact that is not reduced to a level of less than significant by adopted mitigation measures;
3. A feasible Project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the 2030 General Plan; or
4. Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

The Town of Danville's decision-makers have based their recommendation on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

- 3.6** These findings are based upon substantial evidence in the entire record before the Town as described in Section 2.4.

The references to the Draft EIR and Final EIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

- 3.7** These Findings reflect the Danville Town Council's final recommendation regarding the significance of impacts of the proposed 2030 General Plan and SAP as approved by the Danville Town Council.
- 3.8** The Danville Town Council certifies that it has independently reviewed and analyzed the Draft EIR and that the Town circulated a Draft EIR which reflected its independent judgment.
- 3.9** The Danville Town Council certifies that the Final EIR reflects the independent judgment of the lead agency, identified as the Town, as well as the Danville Town Council.
- 3.10** CEQA defines the term "project" as the whole of an action or "activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." Accordingly, the Danville Town Council has certified the EIR and the Danville Town Council is approving and adopting Findings for the entirety of the actions described in these Findings and in the EIR as comprising the Project.

It is contemplated that there may be a variety of discretionary actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA), concerning the Project, including without limitation:

- ◆ California Department of Fish and Wildlife (CDFG)
- ◆ California Environmental Protection Agency (Cal EPA)
- ◆ Federal Emergency Management Agency (FEMA)
- ◆ State of California Office of Planning and Research (OPR)
- ◆ State Department of Health, Toxic Substances Control Division (DTSC)
- ◆ California Department of Transportation (Caltrans)
- ◆ California Regional Water Quality Control Board (RWQCB)
- ◆ Bay Area Air Quality Management District (BAAQMD)

- ◆ U.S. Army Corps of Engineers (ACOE)
- ◆ U.S. Fish and Wildlife Service (USFWS)

Other agencies, organizations, and/or special interest groups not formally identified as a responsible agency, but otherwise anticipated to be participants in the local review process for the 2030 General Plan and SAP include:

- ◆ East Bay Municipal Utilities District (EBMUD)
- ◆ Contra Costa County Flood Control and Water Conservation District (CCCFWCD)
- ◆ Central Contra Costa Solid Waste Authority (CCCSWA)
- ◆ Central Contra Costa Sanitary District (CCCSD)
- ◆ Pacific Gas and Electric Company (PG&E)
- ◆ Contra Costa Transportation Authority (CCTA)
- ◆ Contra Costa Local Agency Formation Commission (LAFCo)
- ◆ East Bay Regional Parks District (EBRPD)
- ◆ City of San Ramon
- ◆ Contra Costa County

Because the Town of Danville is the lead agency for the 2030 General Plan and SAP, the EIR which the Town of Danville has prepared is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the Plan.

- 3.11 The Danville Town Council believes that its decision on the 2030 General Plan and Revised Sustainability Action Plan is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the Danville Town Council. As a result, any judicial review of this decision would be governed by Public Resources Code §21168 and Code of Civil Procedure §1094.5. Regardless of the standard of review which is applicable, the Danville Town Council has considered evidence and arguments presented to the Planning Commission and Town Council of the Town of Danville prior to or at the public hearings on this matter. In determining whether the 2030 General Plan and SAP have a significant impact on the environment, and in adopting Findings pursuant to Public Resources Code §21081, the Town has complied with Public Resources Codes §21082.2 and §21081.5.
- 3.12 The Danville Town Council finds and declares that the 2030 General Plan and Revised Sustainability Action Plan are expected to have a "lifetime" of approximately 17 years, beginning when the General Plan and SAP are implemented and running to the year 2030.
- 3.13 The Danville Town Council finds and declares that the EIR analyzes the 2030 General Plan and Revised Sustainability Action Plan in their full size and extent.
- 3.14 The EIR analyzed all reasonably foreseeable extensions, expansions, or alterations of the 2030 General Plan and Revised Sustainability Action Plan (SAP). The EIR analyzed, to the extent feasible at this time, the environmental effects of implementation of the 2030 General Plan and SAP. The Danville Town Council hereby finds and declares that at this time there are no reasonably foreseeable extensions, expansions or alterations of the 2030 General Plan and SAP which are not described in the EIR, based on the administrative record before the Danville Town Council at the time of its final decision on the General Plan and SAP.
- 3.15 Having received, reviewed, and considered the above described information, as well as all other information and documents in the record, the Danville Town Council hereby conditions the 2030 General Plan and Revised Sustainability Action Plan, and finds as stated in these Findings.

- 3.16 Pursuant to Public Resources Code §21081.6 and California Code of Regulations, Title 14, §15091, the Town of Danville is the custodian of the documents and other material that constitute the record of proceedings upon which the Town's decision is based, and such documents and other material are located at: Town of Danville Development Services Department, 510 La Gonda Way, Danville, California, 94526.

4.0 FINDINGS REGARDING LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS

The EIR identified the thresholds of significance utilized to determine the impacts in the various resource categories discussed below. The EIR finds that there are less-than-significant environmental impacts in the following subject areas:

- ◆ Aesthetics
- ◆ Agricultural and Forest Resources
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Geology, Soils, and Mineral Resources
- ◆ Hazards and Hazardous Materials
- ◆ Hydrology and Water Quality
- ◆ Land Use
- ◆ Noise
- ◆ Population and Housing
- ◆ Public Services
- ◆ Utilities and Infrastructure

The Town is not required to adopt mitigation measures or adopt policies as part of the 2030 General Plan and SAP for impacts that are less than significant.

5.0 FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS

The EIR sets forth environmental effects of the 2030 General Plan and SAP that would be significant and unavoidable. These impacts cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR. In adopting these findings, the Town also adopts a Statement of Overriding Considerations setting forth the economic, social and other benefits of the proposed Project that will render these significant effects acceptable.

5.1 Air Quality

5.1.1 Significant and Unavoidable Impacts

Impact AQ-1: The Draft 2030 General Plan would increase the rate of vehicle use at a greater rate than population growth. This would lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the latest Air Quality Plan.

Impact AQ-CUM-1: Conflict with Clean Air Plan Projections and Control Measures. The Draft 2030 General Plan would contribute to a regional cumulative impact by accommodating a greater increase in vehicle miles traveled than rate of population growth. This could lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the latest Air Quality Plan.

5.1.2 Mitigation Adopted by the Town

The Draft 2030 General Plan and Revised Sustainability Action Plan include extensive goals, policies and actions that would serve to reduce VMT within the Town. These goals, policies and actions would reduce air quality impacts from VMT to the extent feasible, and no additional mitigation is available.

5.1.3 Facts in Support of Findings

The Draft 2030 General Plan and Revised Sustainability Action Plan include extensive goals, policies and actions that aim to reduce vehicle reliance and VMT within the Town. The goals and policies of the proposed Draft 2030 General Plan and Revised Sustainability Action Plan would encourage local and regional transit services, improve bicycle and pedestrian networks, provide alternatives to automotive transportation, and support land use decisions which would help to reduce the increased rate of VMT as compared to that which would occur with an emphasis on automotive transportation only. Goal 11 from the Mobility element and supporting policies 11.01 through 11.11 would strive to create a safe, efficient multi-modal transportation system. Goal 12 and supporting policies 12.01 through 12.12 would strive to create walkable neighborhoods and shopping districts that balance the safety and needs of pedestrians, cyclists, and cars. Goal 13 and supporting policies 13.01 through 13.09 would seek to provide transportation choice by offering viable alternatives to single-occupancy vehicles. Goal 14 and supporting policies 14.01 through 14.08 would serve to integrate land use and transportation decisions to further enhance the viability of alternative transportation modes. Together, all of these goals and policies would serve to decrease VMT and associated vehicle-generated air pollution in Danville. Additionally, Policy 34.04 would ensure that development in areas within 500 feet of the freeway would require a site-specific risk and hazard assessment, and additional protective measures such as air filters included in the design to ensure levels are below regulatory guidelines.

The recent modifications made to the 2030 General Plan and SAP would not worsen this identified impact, nor would they serve to create new impacts in this area. The changes made to the 2030 General Plan would not alter any policies relating to air quality. Additionally, the projections for future air quality parameters were based on VMT projections which were conservative in that they did not consider potential reductions from the goals, policies, and actions of the SAP. Additionally, even with these recent revisions, the proposed land use redesignations under the 2030 General Plan would continue to emphasize growth in the most pedestrian- and transit-accessible areas of Danville—most notably the downtown. This would encourage alternative forms of transportation and serve to decrease VMT. Moreover, the VMT projections used in the EIR reflected greater projected increases in housing and residents than would now occur under the recently revised 2030 General Plan; therefore increases in overall VMT and resulting pollution generation would be substantially lessened within Danville. While the impact would remain significant and unavoidable, for the forgoing reasons, the impact would neither be worsened, nor would new impacts be created.

Although the policies and actions identified above would effectively reduce traffic impacts, the projected growth in vehicle travel could nevertheless still lead to an increase in regional VMT beyond that anticipated in BAAQMD's clean air planning efforts. This impact would occur irrespective of implementation of the 2030 General Plan and SAP, and as a result, development in Danville would contribute to the on-going air quality issues in the Bay Area region.

5.2 Greenhouse Gas Emissions

5.2.1 Significant and Unavoidable Impact

Impact GHG-1: As currently proposed, the General Plan and SAP alone would not be sufficient to meet plausible future GHG reduction goals consistent with Executive Order S-03-05's goal to reduce GHG emissions by 80 percent below 1990 levels by 2050.

5.2.2 Mitigation Adopted by the Town

The Draft 2030 General Plan and Revised Sustainability Action Plan include extensive goals, policies and actions that would reduce greenhouse gas emissions resulting from activities across all emissions sectors within the Town. Working in conjunction with State and federal policies, the 2030 General Plan and SAP would help the town reach the State-mandated greenhouse reduction goal of 15 percent below the “Business-as-Usual” scenario by 2020. Nevertheless, existing policies and technology are inadequate to meet the State’s aggressive long-term GHG emissions reduction goal for the year 2050; therefore no additional mitigation is available and the impact would remain significant and unavoidable.

5.2.3 Facts in Support of Findings

Together with State policies and programs, the goals, policies, and actions contained in the 2030 General Plan and Revised Sustainability Action Plan are estimated to reduce GHG emissions attributable to Danville by more than 15 percent by 2020. The GHG modeling conducted for the SAP indicated that irrespective of local GHG reduction measures, the Town would still attain its 2020 emissions reduction target. Moreover, the revised SAP would still implement numerous policies which would serve to decrease overall GHG emissions. Therefore, even with the recent modifications to the 2030 General Plan and Revised Sustainability Action Plan, the Town would still exceed its 2020 target. This would allow the Town of Danville to be in compliance with the requirements of AB 32 and the subsequent emissions targets set by the California Air Resources Board.

These projections were determined through detailed analysis of extensive sector-specific GHG emissions data for the Town of Danville. These emissions data provided the basis for calculating the current and future emissions rates for the Town, using a variety of computer models developed by the State of California, as well as other agencies and organizations. Models used included: EMFAC, for motor vehicle emissions; WARM, for waste-related emissions; and OFFROAD, for emissions from offroad vehicles and equipment. The output of these models was supplemented through calculations based on existing and projected per-capita energy usage multiplied by State-provided GHG emissions factors. These data, calculations, and results are discussed in detail in Chapter 4.7, Greenhouse Gases, of the Draft EIR, as well as Chapter 2, Existing Greenhouse Gas Emissions Inventory; Chapter 3, 2020 Business As Usual and Adjusted Greenhouse Gas Emissions Inventory, and Chapter 4, Greenhouse Gas Emissions Reduction Target, of the Revised Sustainability Action Plan. The emissions modeling data and calculations are further detailed in Appendix H and Appendix B of the Draft EIR and Revised Sustainability Action Plan, respectively.

Although these projections demonstrated that Danville would achieve the 2020 GHG emissions targets set by the California State legislature and the California Air Resources Board, additional projections further into the future indicated that current policies would be insufficient to achieve interpolated, interim goals derived from Executive Order S-03-05, which would require 80 percent GHG emissions reductions by 2050. Since these projections showed that future compliance was unlikely with current policies, a significant impact was found. Furthermore, since known technology and feasible policies are inadequate to make reaching these future goals currently possible, no mitigations were available and the impact was found to be significant and unavoidable.

5.3 Transportation and Circulation

5.3.1 Significant and Unavoidable Impact

Impact TRANS-1: The Project will have a significant cumulative impact on roadway and intersection capacity, based on forecasts of traffic growth generated by the Project and other regional development. Specifically, certain segments of San Ramon Valley Boulevard, Danville Boulevard, Diablo Road, El Cerro Boulevard, Green Valley Road, Hartz Avenue, Camino Tassajara, and La Gonda

Way are projected to reach capacity, due to traffic growth from the Project and other regional growth; and three intersections – San Ramon Valley Boulevard/Sycamore Valley Road, Interstate 680 Southbound Ramps/Sycamore Valley Road, and Interstate 680 Northbound Ramps/Sycamore Valley Road – are projected to fall below the Multi-Modal Transportation Service Objective set by the Tri-Valley Transportation Plan/Action Plan. These projections are due to both Project traffic growth and traffic growth generated by non-Danville trips on Danville roadways. The Draft 2030 General Plan goals and policies do not aim to increase road-way and intersection capacity to serve regional traffic growth. Furthermore, providing additional intersection capacity at the intersections above, or widening the roadways to provide additional travel lanes, would have negative impacts on pedestrian and bicycle mobility and the adjacent residential environments, and would also likely be physically and financially infeasible.

5.3.2 Mitigation Adopted by the Town

Draft 2030 General Plan policies that promote the protection of Danville roadway system from excessive through-traffic intrusion and the provision of a balanced, multi-modal roadway network, in particular Policies, 12.03, 12.04 and 12.05, will help to mitigate the effects of increasing travel demand on Danville's local roads. However, because the Town cannot completely control the use of its roadways by non-Danville traffic, particularly at intersections controlled by Caltrans (such as the Interstate 680 interchange ramp intersections), the impact remains significant and unavoidable after mitigation.

5.3.3 Facts in Support of Findings

Traffic analyses were based upon existing roadway conditions, projected residential and commercial growth, and future changes in transportation patterns, all at both the local and regional level. Accounting for population and employment changes at the level of the Traffic Analysis Zone throughout the Town, traffic models determined future characteristics for key freeway segments, roadway segments, and intersections. Tables 4.14-1 through 4.14-6 in Chapter 4.14, Traffic and Transportation, of the Draft EIR contain detailed traffic characteristics for all modeled freeway segments, roadway segments, and intersections. Additionally, detailed inputs and outputs for this modeling are available in Appendix E of the Draft EIR.

The 2030 General Plan includes a number of policies to address future impacts to the capacity of the roadway system. Goal 15 and supporting policies 15.01 through 15.09 would strive to reduce the adverse effects of traffic on Danville's neighborhoods and environment. For instance, Policies 15.02 and 15.03 would encourage the use of traffic calming and other means to reduce traffic noise and speeds, and improve safety. Additionally, Policy 15.09 would encourage the implementation or continuation of policies and programs which reduce traffic associated with neighborhood schools. Goal 16 and supporting policies 16.01 through 16.09 would seek to improve local and regional transportation planning to improve safety and efficiency, and reduce congestion. Specifically, Policies 16.01 through 16.05 direct the Town to collaborate closely with other jurisdictions and regional agencies to improve traffic conditions. Policy 16.09 would seek to pursue improved transit service connecting Danville to regional transportation systems, such as BART.

Despite these measures, traffic growth generated both by implementation of the 2030 General Plan and regional growth would result in increased traffic volumes on I-680, and on roadways and at intersections in Danville, with certain roadways and intersections meeting their service capacities. In part because much of this impact would be attributable to regional growth and would occur as a result of traffic increases on freeways and roads over which the Town of Danville does not have jurisdiction, no feasible mitigation measures are available, and the impact would remain significant and unavoidable. The recent changes to the Draft 2030 General Plan and Draft SAP would not create new traffic impacts, nor would they worsen this identified impact. The revisions to the Draft 2030 General Plan would not result in the alteration or removal of policies relating to traffic and transportation. Additionally, the determination of this significant impact was made without consideration of any policies in the Draft SAP, and was therefore initially a conservative esti-

mate. Moreover, the modifications being made to the 2030 General Plan would serve to decrease the amount of residential development in Danville through the horizon of the 2030 General Plan. This decreased capacity for new residential development would serve to decrease potential vehicle trips and VMT to levels below that which were projected for the original Draft 2030 General Plan.

6.0 FINDINGS RELATED TO CUMULATIVE IMPACTS

CEQA Guidelines require consideration of the potential cumulative impacts that could result from a proposed project in conjunction with other projects in the vicinity. Such impacts can occur when two or more individual effects create a considerable environmental impact or compound other environmental consequences. In the case of town-wide planning documents such as the Town of Danville 2030 General Plan and SAP, cumulative effects are effects that combine impacts from implementation of the Plan in the Town with effects of development in other portions of the region.

The cumulative impacts of a General Plan take into account potential impacts or growth projections in combination with impacts from projected growth in other cities or counties in the region. The cumulative impact analysis examines cumulative effects of the proposed 2030 General Plan and SAP, in combination with development in communities adjacent to Danville. Several jurisdictions and agencies were consulted as part of this analysis to identify current growth, examine likely areas of intensified growth, and consider whether a substantial increase in the amount of growth was expected in the foreseeable future. The jurisdictions and agencies consulted include the following:

- ◆ County of Contra Costa
- ◆ Contra Costa Transportation Authority

Two explicitly cumulative impacts were found for the 2030 General Plan and SAP, in the areas of air quality, and traffic and transportation. Neither of these cumulative impacts could be mitigated and both were found to be significant and unavoidable. Additionally, the significant and unavoidable impact in the area of greenhouse gas emissions stems, in part, from the effect of vehicle trips and vehicle miles traveled, and greenhouse gas impacts are themselves inherently cumulative. Since these cumulative impacts relate directly to other significant and unavoidable impacts, both within and across different areas of interest, all impacts—cumulative and noncumulative—were collectively discussed in Section 5.

7.0 FINDINGS REGARDING MONITORING OF MITIGATION MEASURES

Since the 2030 General Plan and SAP are largely self-mitigating, and since no mitigation measures were identified beyond those contained in the policies of the 2030 General Plan and SAP themselves, there are no additional mitigation measures and no mitigation monitoring and reporting program is required.

8.0 FINDINGS REGARDING ALTERNATIVES

CEQA Guidelines §15126.6 requires a discussion of a reasonable range of alternatives to the project or to the location of the project. However, an EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Thus, the range of alternatives evaluated in the Draft EIR was dictated by CEQA Guidelines and by the range of significant impacts identified in the Draft EIR, and evaluated alternatives were limited to those that theoretically could have reduced or eliminated identified environmental impacts.

As discussed in the Draft EIR, all impacts would be less than significant, except for impacts to air quality, greenhouse gas emissions, and transportation and circulation, all of which would remain significant and unavoidable. Accordingly, two alternatives, including the required No Project Alternative, were considered and evaluated in Chapter 5 of the Draft EIR, and a summary of their potential advantages and disadvantages is provided in Table 5-2 of the Draft EIR.

The Draft EIR discussed the following alternatives in detail:

- A. Alternative 1: Retention of the Danville 2010 General Plan (also referred to as the No Project Alternative);
- B. Alternative 2: Reduced Density Alternative

Each of these alternatives was evaluated under the same environmental categories as presented for the proposed project and as identified in Chapter 4 of the Draft EIR.

Based on the comparison of the relative merits of each alternative compared to the 2030 General Plan, each of the alternatives was found to be deficient in meeting the Town's goals and objectives. As discussed above, the original Draft 2030 General Plan and Draft SAP have been modified in response to public input received by the Danville Planning Commission and Town Council. These changes were made due to the fact that the original Draft 2030 General Plan and SAP were not viewed as being consistent with community values, and were therefore infeasible. As mentioned above, these revisions result in a Draft 2030 General Plan which, in certain limited respects, bears increased similarity to Alternative 2, the Reduced Density Alternative, which was discussed in the Draft EIR; however, the Draft 2030 General Plan, as now proposed, remains the environmentally superior alternative. This issue is further discussed in Section 8.3, below.

The 2030 General Plan objectives are to:

- ◆ Maintain and reinforce the small town way of life enjoyed by Danville residents, and to preserve the present aesthetics and other community qualities,
- ◆ Protect the quality of life within existing development areas of the community,
- ◆ Allow orderly and appropriate growth coupled with the maintenance of high-quality public facilities and services,
- ◆ Achieve harmony between Danville's development and its physical setting by protecting natural resources, avoiding development of hazardous areas, and preserving critical open space areas, and
- ◆ Facilitate the development of a variety of housing types in a manner that is consistent with State law and addressing regional housing needs.

Based on the comparative evaluation contained in the Draft EIR, the proposed 2030 General Plan and SAP would keep equivalent or reduce the magnitude of most impacts and would be the environmentally superior alternative.

8.1 Alternative 1: Retention of the Danville 2010 General Plan (No Project Alternative)

8.1.1 Description of Alternative 1

Under this alternative, the Draft 2030 General Plan and SAP would not be adopted and future development in Danville and its Sphere of Influence (SOI) would be subject to existing policies, regulations, and land use designations as set forth by the existing Danville 2010 General Plan. For the portion of the Danville Planning Area lying beyond the SOI, future development would be subject to existing policies, regulations, and land use designations as set forth by the existing Contra Costa County General Plan. This is the CEQA-mandated No Project Alternative.

In relation to the proposed Draft 2030 General Plan, the existing 2010 General Plan would allow approximately 910 fewer dwelling units; about 2,480 fewer people; and about 900 more jobs at the horizon buildout in 2030.

8.1.2 Rejection of Alternative 1

Chapter 5, Section A.2 of the Draft EIR contains an analysis comparing the potential impacts of the 2030 General Plan and SAP to the No Project Alternative. As summarized below, the No Project Alternative would represent an overall substantial deterioration in comparison to the 2030 General Plan and SAP because it would worsen impacts in the following categories: air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, and population and housing. The No Project Alternative would only result in lessened environmental impacts in the areas of public services and transportation and traffic; however only the impacts in transportation and traffic were found to be significant, and the No Project Alternative would not offer substantial improvements in either of these areas. In all other areas, the No Project alternative would result in impacts equivalent to those of the proposed 2030 General Plan.

The existing 2010 General Plan would not result in the redesignation of parcels in Downtown Danville and other areas for new housing. The No Project Alternative would therefore preserve a greater amount of nonresidential development as compared to the 2030 General Plan, mostly in the vicinity of Downtown Danville. However, by designating areas for the construction of a wider variety of housing types, the proposed 2030 General Plan offers critical opportunities to create housing units which would be affordable for a broader segment of Danville's residents, including local public service workers, such as teachers and firefighters. Without new residential development, Danville would be less able to provide adequate and affordable housing for its current and future residents, and would be unable to meet its share of the Regional Housing Needs Allocation (RHNA). Such an outcome would result in strongly negative impacts in regard to housing and population.

Additionally, the No Project Alternative would not include the same level of comprehensive policy direction in areas including air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and noise. Without the more up-to-date and comprehensive policies in the proposed 2030 General Plan, the impacts in these areas would all be increased as a result of retaining the existing 2010 General Plan under the No Project Alternative.

Finally, the No Project Alternative would fail to achieve all objectives established for the 2030 General Plan. Objective 3 seeks to "allow orderly and appropriate growth..." within the Town of Danville. Although the existing 2010 General Plan would allow a certain degree of growth, it would do so less effectively than the proposed 2030 General Plan, since it would both allow a lesser degree of growth and would fail to direct this growth to already developed areas where environmental impacts would be lessened. Moreover, this diminished allowance of residential growth would result in a failure meet Objective 5, which seeks to "Facilitate the development of a variety of housing types in a manner that is consistent with State law and addressing regional housing needs."

The No Project Alternative would result in increased environmental impacts, would less adequately achieve Objective 3, and would completely fail to achieve Objective 5. Therefore, the Town rejects Alternative 1, the No Project Alternative.

8.2 Alternative 2: Reduced Density Alternative

8.2.1 Description of Alternative 2

Under this alternative, land use redesignations to allow new Residential – Multifamily – High Density (25-35 du/acre) and Residential – Multifamily – High/Medium Density (20-25 du/acre) development would be more limited than in the proposed 2030 General Plan. Under this alternative, Danville would still redesignate enough land for multiple-family use to meet the Regional Housing Needs Allocation (RHNA) shortfall identified in the Danville 2007-2014 Housing Element (i.e., a minimum of 7.8 acres of Residential – Multi-family – High Density and a minimum of 1.7 acres of Residential – Multifamily – High/Medium). The land under consideration for redesignation under this alternative may

also be adequate to meet the anticipated RHNA requirement from the upcoming 2014-2021 Housing Element planning period.

Table 5-4 in the Draft EIR shows the Housing Opportunity Sites (HOS) that would be removed from consideration as HOS and be developed as per their land use designations in the Danville 2010 General Plan. Under this Alternative, the four sites in the Diablo Road corridor (H-17, 18, 19, 27) would not develop with the highest density residential land uses. The three single-family lots on Elsie Lane (H-3 b,d,f), would remain as Low Density Residential. One of the South End of Downtown Sites, the parking lot behind the medical offices on San Ramon Valley Boulevard and the adjoining older residential parcels, would retain its current General Plan designations. Lastly, the Crow Canyon Executive Park (H-26) designation would be changed to Limited Office instead of Mixed Use, or remain as Controlled Manufacturing.

This would accommodate roughly 450 households more than the 2010 General Plan and 460 households less than the Draft 2030 General Plan. This alternative still meets the commitment made to the California Department of Housing and Community Development by the Housing Element and includes a small amount of additional capacity to meet a probable future RHNA assignment. The RHNA obligation is to provide eight acres zoned to allow at least 25 units per acre and two acres zoned to allow at least 20 units per acre.

Although this alternative would result in changes to land use designations and the total developable number of units, the goals, policies and actions contained in the proposed Draft 2030 General Plan would apply under this alternative.

8.2.2 Rejection of Alternative 2

Chapter 5, Section B.2 of the Draft EIR contains an analysis comparing the potential impacts of the 2030 General Plan and SAP to the Reduced Density Alternative. As summarized below, the Reduced Density Alternative would represent an overall substantial deterioration in comparison to the 2030 General Plan because it would worsen impacts to the following environmental categories, as identified in the Draft EIR: air quality, greenhouse gas emissions, land use and planning, and population and housing. The Reduced Density alternative would result in decreased impacts in the areas of public services and traffic and transportation; however only the impacts in transportation and traffic were found to be significant by the Draft EIR, and the improvements offered under the Reduced Density Alternative would not be substantial in either area. All other environmental categories would have an equivalent impact as found under the 2030 General Plan.

Decreased residential development and more nonresidential development in core areas under the Reduced Density Alternative would result in increased rates of vehicle trips and vehicle miles traveled. Residential development would be of a lower density than that of the 2030 General Plan, and overall development would therefore be relatively more spread throughout the Town. This lower density, overall more spread-out development would increase per-capita vehicle miles traveled relative to the proposed 2030 General Plan. This would result in more mobile source emission of pollutants, and therefore a greater amount of greenhouse gas emissions per-capita, as compared to the 2030 General Plan. Greater reliance on single-passenger automobiles would also result in increased traffic noise levels and increased impacts to circulation relative to housing growth.

The Reduced Density Alternative would include the same level of comprehensive policy direction as found under the 2030 General Plan. However, even with this same level of policy direction, the Reduced Density Alternative would be an overall substantial deterioration as compared to the 2030 General Plan for the impacts described above.

Finally, the Reduced Density Alternative would less effectively achieve some of the objectives established for the 2030 General Plan. Objective 3 seeks to “allow orderly and appropriate growth...” within the Town of Danville. Although the Reduced Density Alternative would allow a certain degree of growth, it would do so less effectively than the proposed 2030 General Plan, since it would both allow a lesser degree of growth and would less effectively direct this growth to already developed areas where environmental impacts would be lessened. Additionally, Objective 5 seeks to “Facilitate

the development of a variety of housing types in a manner that is consistent with State law and addressing regional housing needs.” While the Town would be able to meet its short-term State and regional housing obligations under the Reduced Density Alternative, the Town would be less likely to be able to meet future housing goals and could fail to achieve Objective 5 in later years, prior to the 2030 buildout horizon.

The Reduced Density Alternative would result in increased environmental impacts, would less adequately achieve Objective 3, and would potentially result in future failure to achieve Objective 5. Therefore, the Town rejects Alternative 2, the Reduced Density Alternative.

8.3 Revised 2030 General Plan and SAP

As discussed above, since its original analysis in the Draft EIR, the 2030 General Plan and SAP have been revised by the Danville Planning Commission and Town Council to better reflect community values. Since no new impacts would occur and no previously identified impacts would be worsened (as discussed in Section 5.0), these modifications to the 2030 General Plan or SAP would not result in a change to the comparative impacts analysis presented in Chapter 5.0 of the Draft EIR. The Revised 2030 General Plan is similar to the Reduced Housing Alternative insofar as it would result in somewhat reduced capacity for residential growth within Danville. However, unlike the Reduced Density Alternative, which would remove key housing opportunity sites in close proximity to the downtown and other job centers, the Revised 2030 General Plan and SAP would place greater emphasis on residential development in the most transit-, pedestrian-, and employment-accessible locations within the Town. Thus, for these reasons, the proposed 2030 General Plan and SAP are not only the environmentally superior alternative, but would continue to most effectively and feasibly achieve the objectives identified by the Town.

9.0 GROWTH INDUCING IMPACTS

Chapter 6, Section A of the Draft EIR presents the growth-inducing impacts that can be anticipated from adoption and implementation of the 2030 General Plan and SAP. CEQA Guidelines §15126(d) requires that an EIR address the growth-inducing impacts of the proposed action. Not all growth inducement is necessarily negative. Negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

According to the CEQA Guidelines, the EIR should discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment, including projects which would remove obstacles to population growth. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Providing urban services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts, consist of growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

9.1 Direct Impacts

The 2030 General Plan would directly induce population and potentially economic growth by allowing for intensified development within some areas of the Town. Under buildout conditions in 2030, the 2030 General Plan would allow the following development based on the expected growth assumptions for the Danville area:

- ◆ Under buildout conditions in 2030, the Draft 2030 General Plan would add approximately 3,170 new residents to the existing 2010 population within the town limit. This would result in a town population of 45,210 in 2030, which would be approximately 880 more people than under the continuation of the existing 2010 General Plan.
- ◆ Under buildout conditions in 2030, the Draft 2030 General Plan would add approximately 4,870 new residents to the existing 2010 population within the Planning Area. This would result in a Planning Area population of 52,000 in

2030, which would be approximately 880 more people than under the continuation of the existing 2010 General Plan.

- ◆ Under buildout conditions in 2030, the Draft 2030 General Plan would result in approximately 1,050 new dwelling units within the town limit, in addition to the 15,420 dwelling units estimated to exist there in 2010.
- ◆ Under buildout conditions in 2030, the Draft 2030 General Plan would result in approximately 1,660 new dwelling units within the Planning Area, in addition to the 17,240 dwelling units estimated to exist there in 2010.
- ◆ Under buildout conditions in 2030, the Draft 2030 General Plan would result in the capacity for about 1,900 new jobs within the town limit.

State law requires the Town to promote the production of housing to meet its fair share of the regional housing needs distribution made by the Association of Bay Area Governments (ABAG). The housing and commercial growth in Danville would generally have beneficial effects by allowing the Town to address its regional fair-share housing obligations.

In addition, the type of growth envisioned by the Draft 2030 General Plan would be concentrated in specific, designated areas, and new development would be pedestrian-friendly, use land efficiently, and promote transportation alternatives. Mixed-use development would be encouraged in the Downtown and in other areas close to transit and to existing jobs and services. The growth envisioned under the Draft 2030 General Plan would result in regional benefits by promoting growth that encourages decreased automobile dependence and supports regional transit systems, which could have associated air quality and noise benefits. Encouraging infill growth in designated areas would help to reduce development pressures on agricultural and open space lands beyond the Town Limit and Planning Area Boundary.

The proposed 2030 General Plan would not change the development potential of Danville's agricultural or open space areas. The land uses in these areas would be unchanged and Measure S would continue to apply, requiring a vote of Danville citizens in order to allow any intensified development potential on agricultural or open space lands.

For these reasons, the growth-inducing effects of implementation of the Draft 2030 General Plan would be beneficial to the town and surrounding areas.

9.2 Indirect Impacts

The 2030 General Plan encourages new growth in already urbanized areas of Danville. Development in these areas would consist of infill development on particular remaining vacant sites or redevelopment of underutilized sites. Roadway and infrastructure are present for these areas, and all projects would be required to comply with the Town's standards for public services and utilities. Since the infrastructure is largely in place, and since this growth would be required to provide Danville's fair share of regional housing needs, secondary growth-inducing effects do not represent a significant environmental impact.

The Draft 2030 General Plan would also potentially seek to annex to Danville areas which presently lie beyond the current town limit. Growth in these areas, however, is currently under the jurisdiction of Contra Costa County. Any annexation would not involve extension of services and thus would not induce additional growth in these areas. Instead, such annexations would give Danville greater control of proposed development in these areas in the future. Therefore, any growth-inducing effects in this area do not represent a significant environmental impact.

9.3 Findings Regarding Growth Inducing Impacts

9.3.1 Direct Impacts

Because housing and potential economic growth under the 2030 General Plan would allow the Town to accommodate its regional fair-share housing obligations and because growth envisioned under the 2030 General Plan is focused on efficient, pedestrian-friendly land use patterns that reduce automobile dependence, the growth-inducing effects of implementation of the 2030 General Plan would be beneficial to the Town and surrounding areas.

9.3.2 Indirect Impacts

Since the roadway and infrastructure to serve this development are largely in place, since the 2030 General Plan would not newly allow intensification of land uses outside the town's current urban footprint, and since new projects would be required to comply with the Town's standards for public services and utilities, secondary growth-inducing effects do not represent a significant environmental impact.

SECTION II

THE TOWN OF DANVILLE GENERAL PLAN 2030 AND REVISED SUSTAINABILITY ACTION PLAN EIR

STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 Introduction

In determining whether to adopt the 2030 General Plan and Revised Sustainability Action Plan (SAP), CEQA Guidelines §15093 requires a public agency to balance the benefits of a project against its unavoidable environmental risks. In accordance with Public Resources Code §21081(b) and CEQA Guidelines §15093, the Town Council has, in determining whether or not to adopt the 2030 General Plan and Revised Sustainability Action Plan, balanced the economic, social, technological, environmental, and other benefits of the Plan and SAP against its unavoidable environmental effects, and has found that the benefits of the 2030 General Plan and SAP outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. This statement of overriding considerations is based on the Danville Town Council's review of the Draft EIR and Final EIR and other information in the administrative record. The Danville Town Council finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the 2030 General Plan and SAP notwithstanding the Plans' significant unavoidable impacts.

By incorporating policies intended to avoid environmental impacts and by steering development to within existing urbanized areas, the 2030 General Plan is largely self-mitigating. Rather than mitigating impacts from implementation of the 2030 General Plan through mitigation measures in the EIR, the policies and land use map in the 2030 General Plan are intended to prevent the majority of environmental impacts altogether. Implementation of the 2030 General Plan has the potential to generate three significant environmental project impacts and one significant cumulative impact.

Significant and Unavoidable Project Impacts:

- ◆ AQ-1
- ◆ GHG-1
- ◆ TRA-1

Significant and Unavoidable Cumulative Impacts:

- ◆ AQ-CUM-1

The Town recognizes that the 2030 General Plan will cause the four total significant and unavoidable impacts as listed above. The Town has carefully balanced the benefits of the proposed 2030 General Plan and SAP against the unavoidable adverse impacts identified in the Draft EIR, Final EIR, and the Town's Findings of Fact. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated to a level of insignificance, the Town, acting pursuant to §15093 of the CEQA Guidelines, hereby determines that the benefits of 2030 General Plan and SAP outweigh the significant unmitigated adverse impacts.

1.2 Specific Findings

1.2.1 Project Benefits Outweigh Unavoidable Impacts

The remaining significant and unavoidable impacts of the 2030 General Plan are acceptable in light of the economic, fiscal, social, planning, land use and other considerations set forth herein because the benefits of the proposed General

Plan and Revised Sustainability Action Plan outweigh the significant and unavoidable adverse environmental impacts of the proposed project.

1.2.2 Balance of Competing Goals

The Town finds it imperative to balance competing goals in adopting the 2030 General Plan and SAP, and the environmental documentation for the 2030 General Plan and SAP. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the Town has chosen to accept certain environmental impacts because to eliminate them would unduly compromise important economic, social, or other goals, or community values. The Town finds and determines that the text of the 2030 General Plan and SAP, and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use, and other benefits to be obtained by the 2030 General Plan and SAP outweigh the environmental and related potential impacts of the 2030 General Plan and SAP.

1.3 Overriding Considerations

Substantial evidence is included in the record of these proceedings and in documents relating to the 2030 General Plan and SAP demonstrating the benefits which the Town would derive from the implementation of the Plans. The Town has balanced the economic considerations of the 2030 General Plan and SAP against the unavoidable environmental impacts identified in the Draft EIR and Final EIR, and concludes that the economic and social benefits that will be derived from the implementation of the 2030 General Plan and SAP outweigh those environmental impacts. These are addressed in the Town's Findings of Fact. In particular, the Town considered whether there would be any impacts related to: aesthetics; agricultural and forest resources; air quality; biological resources; cultural resources; geology, soils, and mineral resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use; noise; population and housing; public services; traffic and transportation; and utilities and infrastructure. Upon balancing the environmental risks and countervailing benefits, the Town concludes that the benefits which the Town will derive from the implementation of the 2030 General Plan and SAP outweigh those environmental risks.

More particularly, the 2030 General Plan and SAP will provide for the orderly development of residential, mixed use, retail and office, industrial, and public uses, while maintaining significant areas of open space and agricultural lands. The growth envisioned in the 2030 General Plan would be concentrated in specific, designated areas within the Town limits, and new development would generally use land efficiently and reduce dependence on single-passenger automobile travel. The 2030 General Plan and SAP define a vision of what the Town desires to be in 2030, and serves as a comprehensive guide for decisions about land use, housing, water resources, circulation, conservation and open space, health and safety, community services, and public facilities and services. The Town finds that this level of comprehensive planning is desirable and beneficial to the Town, and provides a more environmentally sustainable vision and development plan for the Town than the previously adopted 2010 General Plan. For example, the proposed Revised Sustainability Action Plan includes a wide array of voluntary policies that support the Town's goal of increasing its efforts in sustainable development. These policies aim to reduce vehicle trips, promote alternative transportation modes, conserve energy, conserve water resources, reduce waste, improve efficiency, and reduce greenhouse gas emissions.

The adoption of the 2030 General Plan would provide the Town with a "constitution" for land use and development that would guide the town's growth over the next 17 years in a manner that aligns with the goals of the Town of Danville and its residents. The 2030 General Plan would also create a variety of housing types that would allow the Town to meet its fair share housing requirements.

The Town finds that the above described benefits which will be derived from adopting the proposed General Plan and Revised Sustainability Action Plan, when weighed against the absence of the 2030 General Plan and SAP, override the significant and unavoidable environmental impacts of the Plans.

1.4 Incorporation by Reference

The EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant unavoidable adverse impacts.

1.5 Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Danville Town Council bases its findings and decisions contained herein. The record of proceedings is located at the Development Services Department of the Town of Danville, 510 La Gonda Way, Danville, California, 94526. The custodian for the record of proceedings is the Town of Danville. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines, §15091(e).

1.6 Summary

Based on the foregoing findings and the information contained in the Record, the Danville Town Council has made one or more of the following findings with respect to each of the significant environmental effects of the 2030 General Plan and Revised Sustainability Action Plan:

- 1) Changes or alterations have been required in, or incorporated into, the 2030 General Plan and Revised Sustainability Action Plan which mitigate or avoid the significant effects on the environment.
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing findings and the information contained in the record, it is determined that:

- 1) All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
- 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in subsection C, above, and the Town finds that the proposed 2030 General Plan and SAP should be approved.

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RESOLUTION NO. 24-2013

ADOPTING THE TOWN OF DANVILLE SUSTAINABILITY ACTION PLAN

WHEREAS, in 2010, the Danville Town Council initiated an update of the Danville General Plan, with this effort including an Environmental Impact Report; and

WHEREAS, to augment and inform the Goals and Policies of the Danville 2030 General Plan (2030 Plan), the Town concurrently prepared a Sustainability Action Plan (SAP); and

WHEREAS, the Draft Environmental Impact Report (Draft EIR) indicated that an SAP was a critical step to mitigate greenhouse gas emissions associated with future growth; and

WHEREAS, air quality modeling conducted as part of the SAP process indicated that implementation of the proposed SAP measures would result in local greenhouse gas reduction levels which will meet the State target for 2020; and

WHEREAS, the Town Council and Planning Commission held four publicly noticed joint study sessions in 2012 to provide direction on the SAP and to comment on a Working Draft; and

WHEREAS, comments and participation on the SAP were sought at these study sessions; and

WHEREAS, comments on the SAP were also solicited as part of the review of the 2030 Plan and the associated Draft EIR between November 2012 and March 2013; and

WHEREAS, the SAP was evaluated as a component of the Draft EIR for the "Project" including the 2030 General Plan; and

WHEREAS, the Danville Planning Commission adopted Resolution No. 2013-02 on February 12, 2013, recommending that the Town Council adopt the Sustainability Action Plan; and

WHEREAS, during the Town Council's public hearing on March 5, 2013, the Town Council provided preliminary direction to modify the draft SAP to further focus the document on voluntary, local measures; and

WHEREAS, these changes were incorporated into a Revised Sustainability Action Plan, made public on March 12, 2013, and presented to the Town Council at its public hearing of March 19, 2013; and

WHEREAS, the Town Council has reviewed the Revised SAP, has considered public testimony and comment on the Revised SAP and at the conclusion of the public hearing on March 19, provided further changes and edits to the document; now, therefore be it

RESOLVED by the Danville Town Council that:

1. The Sustainability Action Plan is an appropriate vehicle for the Town of Danville to mitigate greenhouse gas emissions as required by state law, and its reliance on voluntary rather than mandatory measures is appropriate given the greenhouse gas reduction forecasts and targets for Danville; and
2. The Sustainability Action Plan provides the strategies necessary for Danville to reduce greenhouse gas emissions consistent with the direction of the State of California via AB32 and Governor's Order S-03-05 and Public Resources Code section 21083.3.
3. The Sustainability Action Plan is consistent with the direction provided by the Draft 2030 Plan, the California Attorney General, and California Public Resources Code 21083.3.
4. The Town Council adopts the Revised Sustainability Action Plan dated March 12, 2013, along with additional changes approved on March 19, 2013, which shall be reflected in Exhibit 1 to this Resolution and incorporated herein by this reference.

APPROVED by the Danville Town Council at a regular meeting on _____, by the following vote:

AYES:

NOES:

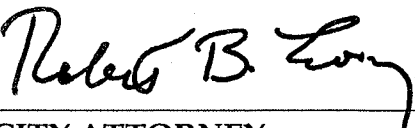
ABSTAINED:

ABSENT:

MAYOR

APPROVED AS TO FORM:

ATTEST:



CITY ATTORNEY

CITY CLERK

EXHIBIT 1
CHANGES TO SUSTAINABILITY ACTION PLAN AS
APPROVED ON MARCH 19, 2013

(Any edits or changes to the Revised Sustainability Action Plan approved by the Town Council to be listed here)

RESOLUTION NO. 25-2013

ADOPTING THE TOWN OF DANVILLE 2030 GENERAL PLAN

WHEREAS, California Government Code Section 65300 requires every city and county in California to adopt a comprehensive, long-term General Plan for its physical development, and further, to periodically update that Plan to reflect current conditions and issues; and

WHEREAS, the existing Danville General Plan was adopted in January 1999 and is now 14 years old; and

WHEREAS, significant demographic and physical changes, as well as new legal requirements, have occurred since the Town's last Plan was updated; and

WHEREAS, the Town initiated an update of the General Plan in 2010 to ensure that the Plan remains legally adequate and relevant; and

WHEREAS, an update to the General Plan was also necessary to implement the 2007-2014 Danville Housing Element, which was adopted by the Town in 2009 and which was subsequently certified by the State of California in 2010 on the condition, in part, that the Town revise its General Plan Map to re-designate at least 7.9 acres of land to allow residential densities of at least 25 units per acre and at least 1.7 acres of land to allow residential densities of at least 20 units per acre; and

WHEREAS, the Town has completed a three-year process of collecting and analyzing data about Danville, evaluating potential housing opportunity sites to meet the State mandate; and preparing new General Plan text, goals, policies, actions, and maps; and

WHEREAS, the public has participated in this process through more than 20 publicly noticed jointly held study sessions of the Planning Commission and Town Council; and

WHEREAS, drafts of each chapter and section of the Plan were released prior to each Planning Commission and Town Council joint study session for public review and comment; and

WHEREAS, a public review Draft General Plan was published on October 11, 2012; and

WHEREAS, the Town mailed over 16,500 postcards to Danville addresses advertising a series of public hearings on the Plan held in November and December 2012 and January 2013; and

WHEREAS, the Planning Commission considered testimony and information received at public hearings on November 27 and December 11, 2012 and January 8, January 22, and February 12, 2013, as well as oral and written reports from Town staff at these meetings; and

WHEREAS, the Planning Commission adopted Resolution No. 2013-03 on February 12, 2013, recommending that the Town Council adopt the 2030 Plan, with certain amendments, including the removal of Housing Opportunity Sites HOS 3, 12 and 21; and

WHEREAS, a second Town-wide notice was mailed to 16,500 households announcing a Town Council hearing on the 2030 Plan, Sustainability Action Plan, and Final EIR to be held on March 5, 2013; and

WHEREAS, during the public hearing held on March 5, 2013, the Town Council provided direction to Town staff to modify the Draft 2030 Plan recommended by the Planning Commission. Those modifications included, but were not limited to: deletion of the proposed Priority Development Area (PDA); removal of all Housing Opportunity Sites other than HOS 19 and 24A and B; setting the density range for the Residential-Multifamily-High Density land use designation at 25-30 units per acre; and, removing references to the Sustainable Communities Strategy currently being developed by ABAG; and

WHEREAS, these modifications and edits were incorporated into a revised draft of the 2030 Plan, titled "Adoption Draft", which was made available for public review on March 12, 2013; and

WHEREAS, the Town Council used the public hearings on March 5 and 19, 2013 to solicit additional public feedback and comment on the 2030 Plan; and

WHEREAS, prior to acting on this Resolution, the Town Council approved Resolution No. 23-2013 certifying the Final Environmental Impact Report and adopting Findings and a Statement of Overriding Considerations; and Resolution No. 24-2013 adopting a Sustainability Action Plan, which resolutions are hereby incorporated by reference; now therefore, be it

RESOLVED by the Danville Town Council that:

Section 1. The Town Council finds that the proposed 2030 Plan conforms to the provisions of the State Government Code for General Plans, as well as the most recent California General Plan Guidelines published by the Governor's Office of Planning and Research.

Section 2. The proposed General Plan Amendment includes updated policies which are in the public interest of the Town of Danville and which will result in General Plan land use designations which are physically suitable.

Section 3. The Town Council declares that it has made a reasonable and good faith effort to consider public comment, and to incorporate revisions to the Plan which respond to those comments as appropriate.

Section 4. The Town Council adopts the Danville 2030 General Plan, consisting of the draft General Plan labeled "Adoption Draft" and additional changes approved by the Town Council on March 19, 2013, which changes shall be reflected in Exhibit 1 to this resolution. Both the Adoption Draft of the 2030 Plan and Exhibit 1 are incorporated herein by this reference.

Section 5. The Town Council finds that by making the changes in land use designation for the following sites shown below, the Town will satisfy the Town's minimum RHNA obligation for the 2007-2014 cycle, as mandated by the State of California.

HOS #	Name	Acreage	Density
24A	Borel (southern portion)	5.00 acres	25-30 dus/acre
24B	Borel (northern portion)	2.00 acres	20-25 dus/acre
19	Diablo Gateway - Part 3	3.75 acres	25-30 dus/acre

APPROVED by the Danville Town Council at a regular meeting on _____, by the following vote:

AYES:

NOES:

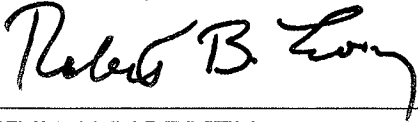
ABSTAINED:

ABSENT:

MAYOR

APPROVED AS TO FORM:

ATTEST:



CITY ATTORNEY

CITY CLERK

EXHIBIT 1
CHANGES TO 2030 GENERAL PLAN AS
APPROVED ON MARCH 19, 2013

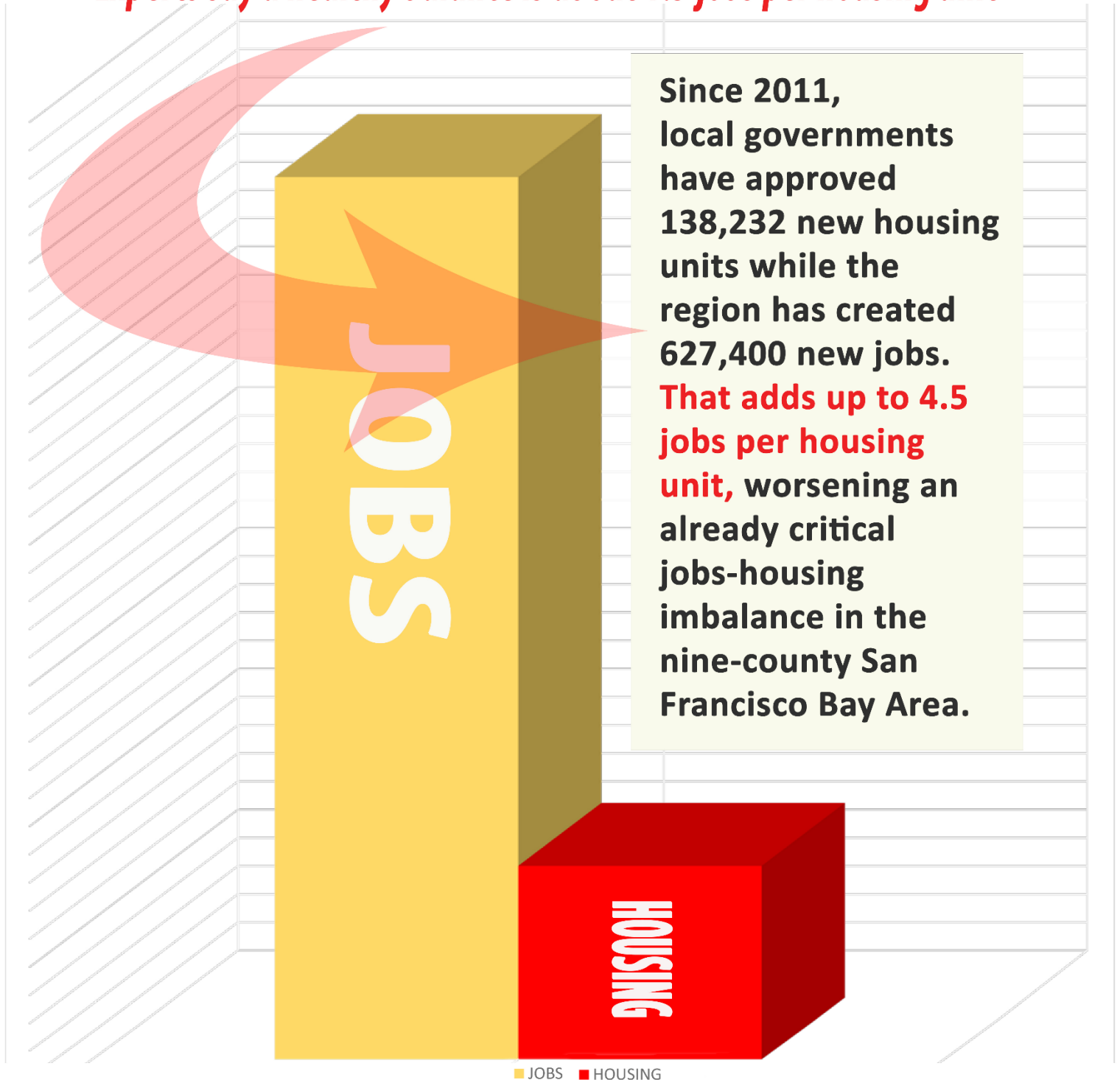
(Any edits or changes to the 2030 General Plan approved by the Town Council to be listed here)

ATTACHMENT B

December 2017

BAY AREA JOBS-HOUSING 'BALANCE'?

Experts say a healthy balance is about 1.5 jobs per housing unit



SOURCES: BIA|Bay Area updated this handout on Feb. 6, 2018, using data from the Metropolitan Transportation Commission's Plan Bay Area 2040, California Economic Development Dept. and the Construction Industry Research Board (CIRB), a service provided by the California Homebuilding Foundation at www.myhcf.org/cirb.html.