



2023–2031

# HOUSING ELEMENT

Town of Danville

## Appendix B

### Constraints Analysis



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# 1. INTRODUCTION

Potential constraints to the provision of adequate and affordable housing can be created by government policies and regulations as well as non-governmental factors, such as costs associated with land and construction. These constraints may increase the cost of housing or may render residential construction economically and/or politically infeasible for developers. Housing production constraints can also significantly impact households with low and moderate incomes and special needs. Land use controls as summarized below may constrain the maintenance, development, and improvement of housing.

The purpose of this section, per Government Code Section 65583(a)(5-6), is to identify non-governmental and governmental factors (constraints) that inhibit the development, maintenance, or improvement of housing. Examples of such constraints are land and construction costs, access to credit, permit fees, development standards, and compliance with Federal and State laws intended to facilitate housing for lower-income and special needs households.

Clearly, the potential list of all constraints on the development could be quite long and might include information on national economic conditions and regional geology. A thorough understanding of the constraints to development can help to create appropriate policy responses to mitigate constraints and make it easier and more affordable to develop housing. The Town has analyzed both its own regulations as well as those of nearby jurisdictions and regional market trends to assess what constraints exist in Danville and identify potential modifications to Town policies to remove these barriers to development to the maximum extent feasible.





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## 2. NON-GOVERNMENTAL CONSTRAINTS

The availability and cost of housing is strongly influenced by market forces over which local governments have little or no control. Nonetheless, State law requires that the Housing Element contain a general assessment of these constraints, which can serve as the basis for actions to offset their effects on the maintenance, improvement, or development of housing for all income levels. Potential nongovernmental constraints are largely determined by market conditions over which local jurisdictions have little control and may include the availability of financing, the price of land, and the cost of construction. However, local governments can influence market conditions and their associated costs, even if only indirectly.

This section provides an analysis of various potential and actual constraints to housing development in the Town. The primary non-governmental constraints to the development of new housing in the County can be broken into the following categories: availability of financing, development and construction costs, environmental constraints, school capacity, and requests of housing development at reduced densities.

### Availability Of Financing

#### Availability of Financing

The availability of financing is a critical factor that can influence the cost and supply of housing. There are generally two types of financing used in the housing market: (1) capital used for initial site preparation and construction; and (2) capital used to finance the purchase of units by homeowners and investors. Interest rates substantially impact home construction, purchase, and improvement costs. A small fluctuation in rates can make a dramatic difference in the annual income needed to qualify for a loan. However, interest rates are determined by national policies and economic conditions, and there is little that local governments can do to affect interest rates.

In general, financing for new residential development for both construction and long-term mortgages is available in Contra Costa County, subject to normal underwriting standards. However, economic fluctuations in recent years due to the pandemic have caused caution among lenders and may have lasting effects on the availability of financing through this Housing Element planning period. While interest rates began low in 2022, they have been rising significantly as the Federal Reserve has raised its key lending rates to help control inflation. The availability of financing for developers under these economic conditions may pose a constraint on development outside the Town's control.

#### Cost of Land

The cost of land has also increased substantially over the past decade, and many jurisdictions are now essentially built out, with no available vacant land for development. With this limited land availability, most locations in the Bay Area are experiencing substantially higher land values than in other areas of the State because of the attractiveness of living along the coast, with its mild climate, access to high-tech jobs, and plentiful amenities.

There are multiple factors that may affect the cost of land, such as lot size, topography, site conditions, shape of the parcel, location and amenities, neighboring uses, access, proximity to public services, noise and the financing arrangement between buyer and seller. Available information is not comprehensive and any summaries or averages at the Town level may not be valuable for reaching conclusions. That said, a cursory review of sold prices on Zillow.com for building lots in Danville during the fourth quarter of 2021 indicated that the average price per acre for land was approximately \$1,350,000.

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## Development And Construction Costs

According to a report released in March 2020 on multifamily construction costs in California from the Turner Center, many different factors layer together to affect the bottom-line costs of building new housing and whether or not a project will ultimately “pencil”: the costs of acquisition (e.g., land and closing costs), hard construction costs (e.g., materials and labor), soft costs (e.g., legal and professional fees, insurance, and development fees), and the costs of conversion once a project is completed (e.g., title fees and the operating deficit reserve). According to its research, the largest share of a project’s total cost comes from materials and labor, or hard costs.

In addition, hard construction costs make up more than 60 percent of total development costs. The Turner Center study found that on average, construction costs were about \$222 per square foot in 2018 compared to \$177 in 2008-2009, representing a 25 percent increase. While these increases have been felt across the state, costs are highest in the Bay Area, which saw costs rising by 119% during the same time period to over \$380 per square foot. The reasons for this increase in construction costs are complex, but the Turner Center suggests this is in part because of higher labor costs to attract workers to the Bay Area where the cost of living is very high; local regulations that require certain materials or building components to be used; lengthy review processes; and other local constraints.

Statewide, labor costs have also increased in recent years, as the labor pool has not kept pace with the increase in demand, likely due to costs of housing in the state. Since the recession in the mid-2000’s, California has seen a severe tightening in the construction labor market, especially for workers trained in specific construction trades. The lack of an available labor force drives up the cost of labor and leads to project delays as workers are either unavailable or lost to more profitable projects.

Adding to the overall development costs are the high land costs in Danville as well as the limited availability of vacant or underutilized land. Not only is acquiring the property a large expense when compared to many other Contra Costa County jurisdictions, but also “buying out” businesses for relocation or demolition of existing structures further contribute to the necessary expenses to redevelop property in Danville and add to the overall development costs.

Several additional factors have caused the increased cost of materials, including global trade patterns and federal policy decisions, such as tariffs, as well as state and local regulations, such as building codes. The COVID-19 pandemic has also influenced the cost and availability of construction materials. Supply chain disruptions have resulted in project delays and increased costs due to a shortage of construction materials and equipment.

The cost of land has also increased substantially over the past decade. Many jurisdictions are now essentially built out, with no available vacant land for development. Many locations in the Bay Area experience substantially higher land values than in other areas of the State because of the attractiveness of living along the coast, with its mild climate, access to high-tech jobs, and plentiful amenities. A desk review of vacant land sales in 2021 and shows that the average sales price for one acre was \$1.4 million, with one-acre listings asking an average of \$1.8 million.

All of these factors work together to make it so developers must charge substantial rents and sales prices to cover the development costs for financing and construction. For example, the Turner report notes that a multifamily unit that costs \$800,000 to build will need to charge approximately \$4,000 in monthly rent—a price well over the typical monthly earnings in the State—to cover those costs and meet return on investment requirements for investors.

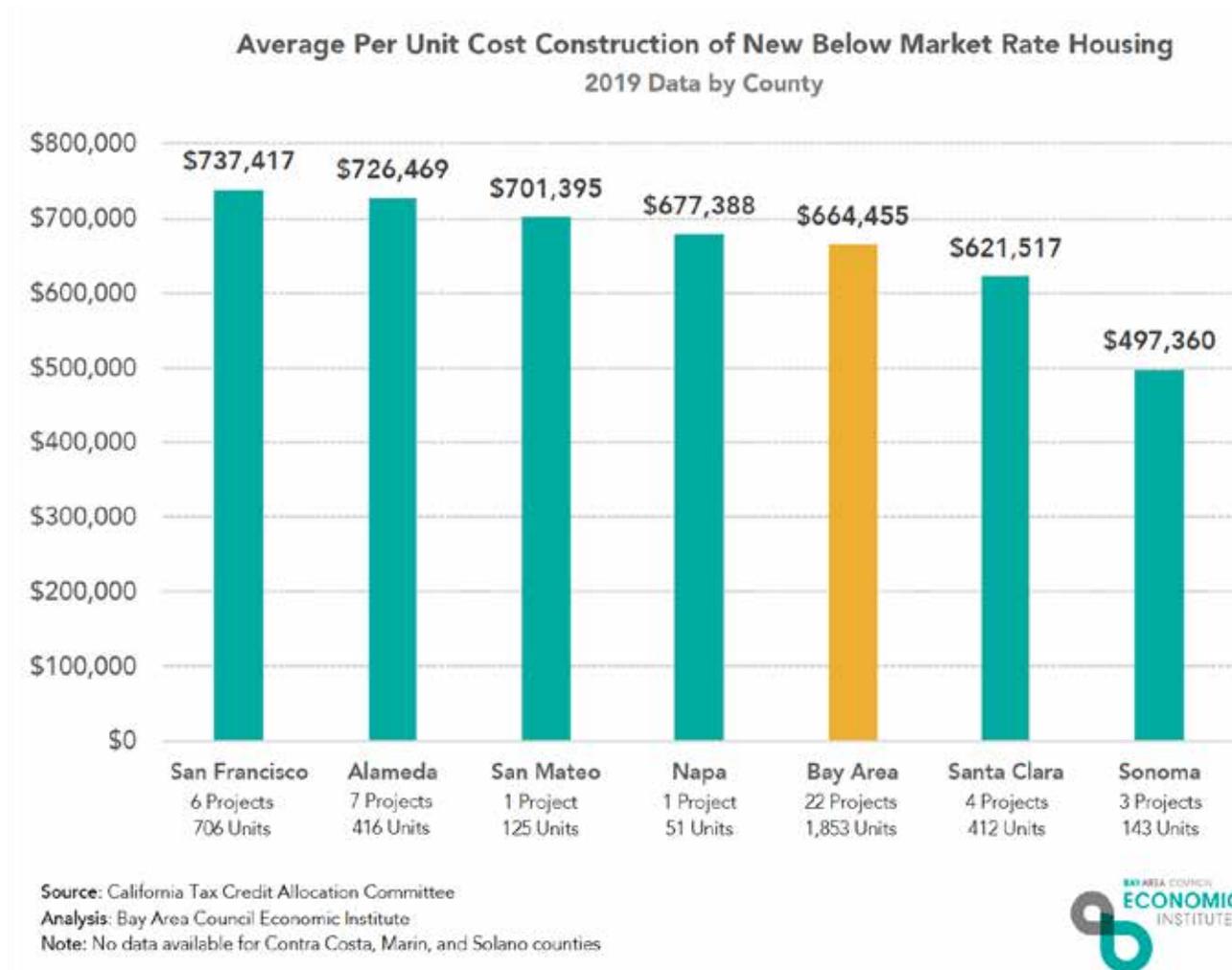
The impact of high construction costs on affordable housing cannot be underestimated. According a study by the Bay Area Council, in 2019 there were 23 new construction projects of below market-rate housing financed through the California Tax Credit Allocation Committee, with a total of 1,912 units, across six counties of the nine-county Bay Area. Each project in California requested federal and/or state tax credits to finance the new construction of housing units with rents affordable to households earning 30-60% of area median income

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1 See the Turner Center’s series on housing costs at <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>.

(AMI), which are very low-income households. The project costs consist of land and acquisition, construction costs, construction contingency, architectural/engineering, construction interest, permanent financing, legal fees, reserves, other costs, developer fees, and commercial costs. Project costs were analyzed to determine the reasonableness of all fees within TCAC’s underwriting guidelines and TCAC limitations.

The report found that the average construction cost of new below market rate housing in the Bay Area was \$664,455 per unit, far more than lower income households can afford without subsidies. In comparison, other projects across California (excluding the Bay Area), on average cost \$385,185 per unit of below market rate housing.



## Community Opposition

Another constraint to housing production in many communities is public opposition to higher-density or affordable housing. Such objections may be based on concerns about traffic, parking, school overcrowding, police and fire response times, fiscal impacts, and other issues. However, they may also be based on misinformation and misconceptions about affordable housing, or concerns that can be directly mitigated, such as the appearance and quality of such housing.

The potential for community opposition means that good design and planning are essential in high-density projects. Such design efforts require early consultation with the public, close collaboration with neighbors and homeowners’ associations, genuine respect for public concerns, and public education as to the need for and

2 <http://www.bayareaeconomy.org/how-much-does-it-cost-to-produce-one-unit-of-below-market-housing-in-the-bay-area/>

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benefits of affordable and higher density housing. Design guidelines and standards will become increasingly important, as will community benefits, such as public open space and childcare facilities. High-quality architecture, “green” construction, good tenant screening processes, and commitments to maintenance and upkeep will all be important. Continued attention to public input will be critical.

## Environmental Constraints

The San Ramon Valley has a variety of natural conditions that impact the design, construction and final cost of new residential development. If not properly recognized and accommodated, these environmental constraints have the potential to endanger lives and property. Concurrent with the Town's adoption of this Housing Element in January 2023, the Town completed General Plan land use amendments and rezoning necessary to accommodate the RHNA. A Programmatic Environmental Impact Report (PEIR) was prepared to study and provide information regarding potential environmental impacts related to the development of all these sites. The PEIR found that buildout of all the new housing units required to meet the Town's RHNA would result in no environmental impact or constraints in the areas of Aesthetics, Agricultural and Forestry Resources, Biological Resources, Cultural Resources, Energy, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Wildfire. The PEIR found potential significant and unavoidable environmental impacts related to Air Quality, Transportation, and Utilities and Service Systems. However, the Town adopted a statement of overriding consideration for the impacts in these three areas, as the Town recognizes that adoption of the Housing Element and development of the RHNA sites is an overriding priority. Information regarding the presence of environmental constraints on individual opportunity sites is also included in the inventory.

## Wildfire

The entirety of the Town is designated as a Local Responsibility Area (LRA) by the California Department of Forestry and Fire Protection (CalFire). The same is true for the surrounding incorporated communities of Lafayette, Walnut Creek, and San Ramon. The unincorporated area to the north of the Town is a State Responsibility Area (SRA), with CalFire or its designee providing fire protection services.

As part of its Fire and Resources Assessment Program (FRAP), CalFire has mapped areas of significant fire hazards throughout the state. The maps classify lands into fire hazard severity zones, based on a hazards scoring system that takes into account localized factors such as fuel loading, slope, fire weather, and other relevant considerations, including areas where winds have been identified as a major cause of wildfire spread. Edges of the Town are either undeveloped or managed as some form of open space, including areas of open grassland and oak woodland and have been designated by the FRAP as a Very High Fire Hazard Severity Zone (VHFHSZ).

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

The PEIR which was prepared to study potential environmental impacts related to development of the Town's RHNA sites included a chapter on Wildfire. None of the Town's RHNA sites are located within Extreme or Very High Fire Hazard Severity Zones. The PEIR found that, with compliance to existing fire and building codes, wildfire impacts on these sites are less than significant. Therefore, wildfire impacts would not be a constraint to development.

## Seismic/Geologic Hazards

A number of active faults paralleling and associated with the San Andreas Fault are found in and near the San Ramon Valley, including the Calaveras Fault, the Pleasanton Fault, the Bollinger Fault, and the Mt. Diablo Fault. These four fault structures constitute some of the major faults in California at the latitude of San Francisco. The

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2011 Hazard Mitigation Plan for Contra Costa County indicates there is a 75 percent probability of a magnitude 7.0 or greater earthquake in the Bay Area during the next 30 years. In 2002, the United States Geologic Survey (USGS) estimated an 11 percent probability for one or more magnitude 6.7 or greater earthquakes by 2032 on the Calaveras Fault alone. The Calaveras Fault Zone has been designated as a Special Study Zone pursuant to the Alquist-Priolo Special Study Zones Act.

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

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

The PEIR which was prepared to study potential environmental impacts related to development of the Town's RHNA sites included a chapter on Geology and Soils. None of the Town's housing sites are in locations where soils or geology would significantly constrain development.

## Topography

Steep topography fractured and unconsolidated bedrock conditions, expansive soils, and high erosion potential combine to make some of the hillside areas in the San Ramon Valley highly unstable. Landslides resulting from natural conditions or caused by construction activity are common occurrences in the hillsides. Nearly 50 percent of Danville is located on hillsides, including the Las Trampas Ridge area and the hills paralleling the Sycamore Valley. There are numerous traces of landslide activity in these areas and the potential for future landslides is considered to be high. While landslides may occur on slopes of 15 percent or less in unstable areas, the risks are usually proportional with steepness of slopes. Areas where old slide deposits are evident are the most subject to failure.

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

Hazards associated with landslides and soil erosion are addressed through the environmental and development review and permitting process and through imposition of the regulations contained in the Town's Grading Ordinance, the Scenic Hillside and Major Ridgeline Development Ordinance and through observance of Danville's Hillside Development Guidelines. None of the Town's RHNA sites are on steep sloping or hillside areas.

## Creeks and Flood Zones

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

The Contra Costa County Flood Control and Water Conservation District, with assistance from the Soil Conservation Service, has reshaped and widened segments of San Ramon, Sycamore, and Green Valley Creeks and constructed various flood protection structures over the years. These efforts, along with Danville's drainage

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improvement and maintenance efforts, have reduced the potential for serious floods. Flood hazards are addressed through required creek structural setbacks, through imposition of requirements on new projects to make appropriate flood control improvements and through observance to the standards of the Flood Disaster Preservation Act of 1973.

As discussed within the project PEIR, none of the RHNA sites are within a FEMA identified flood area of 100 years or less. As such, flood zones are not a significant constraint to development.

Several RHNA sites, including 455 La Gonda Way, 425 El Pintado Road, 344 Rose Avenue, 363, 315 & 319 Diablo Road, 2900 Camino Tassajara, and 699 Old Orchard Drive contain creek area within the parcels. While creek areas are unbuildable, the General Plan land use and zoning designations for these sites allow development density to be based on gross acreage, not net acreage (which is derived by subtracting the unbuildable creek area from the total parcel acreage). Therefore, development density from the creek areas can be transferred to the buildable areas of the parcel. As a result, creek areas are not a significant constraint to development.

### **Infrastructure, Urban Services, and Facilities Constraints**

A lack of adequate infrastructure or urban services and facilities can be a substantial constraint to residential development if it is to avoid impacting existing residences. On a yearly basis, the Town reviews its Capital Improvement Program (CIP). The CIP is a compilation of the capital improvements planned for construction over the next five-year period in Danville. It includes cost estimates, the phasing of specific improvements and associated costs, and methods with which specific improvements will be financed.

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

In addition, several other impact fees have been put into place to facilitate the construction and improvement of the basic infrastructure improvements needed by residential development. The impact fees include, among others, the two-tier fees for transportation improvements created through the Dougherty Valley Settlement Agreement, various sub-regional traffic impact fees; park land in-lieu fees and child care fees.

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

All of the Town's RHNA sites are infill development locations in areas served by existing infrastructure. The vast majority of the incorporated limits of the Town lie within the service boundaries for water and sewer service, virtually assuring that the vacant and underutilized parcels identified in this document could develop by the end of the 2023-2031 Housing Element planning period.

East Bay Municipal Utility District (EBMUD) is the water purveyor for the Danville area. EBMUD's current Water Supply and Management Program (WSMP 2040), adopted October 2009, serves as the basis for water conservation and recycling programs and for development of supplemental supply initiatives. WSMP 2040 seeks to provide a diverse and robust water supply portfolio that ensures water reliability in an uncertain future while also protecting the environment.

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

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

The population of the service area is approximately 471,000. In 2013, the wastewater treatment plant’s average flow dry weather rate was 35.8 million gallons per day (MGD). This rate is well within the permitted 53.8 MGD average dry weather flow limit allowed for by Order No. R2-2012-0016 issued by the SF Bay Region of the California Regional Quality Control Board and by National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037648. CCCSD has indicated it will be able to serve the planned growth provided through the Danville 2030 General Plan and the 2023-2031 Housing Element.

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

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

As part of the Housing Element, jurisdictions must provide information regarding water and sewer capacity to accommodate future development. In addition, jurisdictions must include narratives about how they will comply with two specific pieces of legislation, SB 1087 and SB 244.

- **SB 1087 – Housing Elements** – Requires a city to immediately forward its adopted Housing Element to its water providers so they can grant priority for service allocations to proposed housing developments that include units affordable to lower-income households.
- **SB 244 – Land Use and General Plans** – Requires cities and counties, prior to adoption of a housing element, to address the infrastructure needs of disadvantaged unincorporated communities outside the city’s limits but within the city’s planning area. The Town’s sphere of influence is limited to an area northeast of the Town limits, including the already developed residential neighborhoods of Bettencourt Ranch and Shadow Creek. These unincorporated communities are not considered disadvantaged.

A Final Program Environmental Impact Report (FPEIR) which was prepared for implementation of this Housing Element determined that water demand necessary to serve all of the new sites redesigned for multifamily housing to meet the Town’s RHNA would exceed water projections in EBMUD’s adopted 2020 Urban Water Management Plan (UWMP). The UWMP relied on population projections published in ABAG’s Plan Bay Area Projections 2040. The ABAG projections for Danville are as follows:

<b>Plan Bay Area 2040</b>	<u>Households</u>	<u>Population</u>
<b>Housing Element Update</b>	16,020	47,350
<b>(2031)</b>	18,409	51,5451

The FPEIR found water supply to be a significant environmental impact. This conclusion would be true for every jurisdiction in the EBMUD service area. Despite the existence of significant adverse impacts that may not be mitigated to below the level of significance, the Town Council has balanced the benefits of the project against these significant and unavoidable environmental impacts and adopted a statement of overriding considerations. The Council determined the benefits of the project to outweigh the potential significant adverse impacts of the project.

Like all proposed developments, the Town will consult with EBMUD on a project-by-project basis to determine the availability of water supply for the project. As development of housing sites is expected to occur over time, it is anticipated that water supply will be available as these individual applications are reviewed and approved. Also, all of the Town’s housing sites are within the EBMUD’s service district.

In accordance with Government Code Section 65589.7, new water service connections are required to be prioritized for proposed developments that include affordable housing units. Moreover, consistent with SB 1087, this Housing Element will be provided to SFPUC immediately upon adoption so that those projections may

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be accounted for in the next water allocation planning cycle so they can grant priority for water allocations to proposed developments that include affordable units. EMMUD's Urban Water Management Plan (UWMP) is updated every five years and is expected to be updated in 2025.

Danville continues to implement water conservation measures, including requiring development to utilize water efficient plumbing fixtures and must comply with the Town's Model Water Efficiency Landscape Ordinance (MWELo). For Town maintained roadsides and medians, the Town allows only drought tolerant landscaping to be planted. The Town also actively replaces previously installed passive grass areas with drought tolerant landscaping. The Town has invested in technology which monitors moisture levels in the soil and water landscaped areas in an efficient manner. Most Town active sport fields have been replaced with artificial turf, resulting in significant water savings.

The Danville 2030 General Plan several Policies related to water conservation, including: Policy 31-01 – "Promote the efficient use of water by encouraging drought tolerant landscaping, plumbing fixtures and irrigation systems designed for water efficiency, and other building and landscape systems designed to reduce potable water use and water waste;" Policy 31-02 – "Support the use of reclaimed water (gray water) for landscape irrigation on medians, in parks, and in other landscaped areas."

To further reduce water supply impacts, the Town has added Policies 3.1.d to continue to enforce the MWELo program, continue to explore addition options for supply and use of reclaimed water, and to work with EBMUD related to customer outreach and education for reduction of water usage.

## Environmental Constraints Conclusion

Potential environmental constraints were evaluated by an EIR as part of the vetting process for each site to determine the viability of development for each site. As the Town adopted a Statement of Overriding Considerations in several areas where significant environmental impacts were identified, as described above, all of the sites have environmental clearance for development.

In addition, a detailed analysis of potential redevelopment options and scenarios was completed for each site (see Appendix C). The analysis included site characteristics, such as access and availability of utilities for each site and found no significant constraints for development or redevelopment.

## Requests For Housing Development At Lower Densities and Project Timing

California Government Code, Section 65583(a)(6), requires an analysis of requests to develop housing at densities below those anticipated in the Sites Inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. The analysis must also look at local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the Regional Housing Needs Assessment (RHNA) by income category.

This analysis is required to examine local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet the RHNA by income category. The primary nongovernmental constraint is the overall cost of affordable housing development (high land and development costs) and the lack of public funding sources to subsidize the development of these units. Data on construction costs indicates that, even with by-right density bonuses pursuant to California's Density Bonus Law, constructing affordable housing (particularly for households with low and very low incomes) is not profitable for developers and results in a loss without public funding sources. Developers requiring funding from investors and lending institutions are required to submit a pro forma analysis (i.e., an analysis showing the costs to develop and the revenues available to fund the development) demonstrating financial feasibility or costs that are less than or equal to revenues.

Development densities proposed by developers are often influenced by market demand and profitability. In Danville, the achieved development densities typically exceed the allowable densities due to the use of density bonus in conjunction with the Town's inclusionary housing requirements. Occasionally, townhome projects may come in at a density from 16 to 22 units per acre, below the allowable density of medium density residential zones. However, the Town's Zoning Ordinance prohibits developments to go below the established minimum density for the zone.

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Therefore, public subsidies are typically necessary to develop affordable housing. The subsidy typically comes in the form of LIHTC, State grants, HOME funds, dedication of land for projects, and/or other public sources. The lack of funding options can result in affordable projects that are more concentrated in areas with lower development and land costs. It is important to note that the Town can offer concessions, such as expedited permit processing, building permit fee waivers, development impact fee deferrals.

The length of time between receiving approval for a housing development is largely dependent upon the speed in which the applicant prepares and submits the building permit plans to the Town's Building Division. Delays in applying for building permits may be impacted by various factors, the most common ones being labor shortage and availability of construction financing. Once submitted, the Town's plan check process takes a maximum of 14 days. For any resubmittals, the plan check process takes a maximum of seven days. Items like changes to construction costs or other development costs that affect the feasibility, financing, or negotiations with design professionals are outside the Town's control but may delay projects.

## **Local Efforts To Remove Non-Governmental Constraints**

Government Code 65583(a)(6) also requires a review of local efforts to remove nongovernmental constraints that create a gap in the jurisdiction's ability to meet RHNA by income category. The primary non-governmental constraint is the overall cost of affordable housing development (high land and development costs) in most parts of the State. In general, constructing affordable housing, especially for low- and very low-income households is not profitable to housing developers. Therefore, deed-restricted affordable units (beyond what is required under the Town's Inclusionary Housing Ordinance) require subsidy beyond available density or financial incentives.

This places the construction burden on affordable housing developments and may result in affordable projects that are not always dispersed throughout the region but are concentrated in limited areas with lower development costs. While the Town can offer developer incentives such as expedited permit processing or fee deferrals, it cannot afford to fully mitigate the high cost of development for affordable housing developments. County Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding helps support gap financing for affordable housing projects; however, the Town's ability to support projects is limited by available funds.





## 3. GOVERNMENTAL CONSTRAINTS

Governmental policies and regulations can result in both positive and negative effects on the availability and affordability of housing. This section, as required by Government Code Section (a)(5), describes Town policies and regulations that may constrain the Town’s ability to achieve its housing goals. Potential constraints to housing include land use controls (through General Plan policies and zoning regulations), development standards, infrastructure requirements, development impact fees, and development approval processes. While government policies and regulations are intended to serve public objectives and further the public good, the Town recognizes that its actions can potentially constrain the availability and affordability of housing to meet the community’s future needs.

### Land Use Controls

#### General Plan

Danville’s current General Plan, the 2030 General Plan, is the third General Plan adopted by the Town since incorporation in 1982. The General Plan expresses the Town’s overall vision and goals, policies and methods for implementing this vision. The General Plan’s overall goals for planning and land use are to preserve the Town’s high quality residential neighborhoods, preserve and enhance the Town’s historic downtown core area, and to preserve open space and natural resources in and around the Town. The General Plan lists zoning districts which are compatible with each General Plan land use designation. The plan balances housing needs with infrastructure capacity and environmental planning considerations. The General Plan does not envision major changes in the character of the Town, nor does it anticipate any significant growth in the Town’s employment base.

The Plan includes a Land Use Map that identifies the types of uses and densities/intensities of use permitted within the Danville planning area. The map includes 13 residential categories, as well as commercial, open space, and Downtown Danville categories. The 13 residential categories are as follows:

- Residential – Rural Residential – 1 unit per 5 acres
- Residential – Country Estates – 1 unit per acre
- Residential – Low Density – 1 to 3 units per acre
- Residential – Medium Density – 3 to 5 units per acre
- Residential – Single/Multifamily – 4 to 8 units per acre
- Residential – Multifamily Low Density – 8 to 13 units per acre
- Residential – Multifamily Low/Medium Density – 13 to 20 units per acre
- Residential – Multifamily High/Medium Density – 20 to 25 units per acre
- Residential – Multifamily High Density – 25 to 30 units per acre
- Residential – Multifamily High Density Special – 30 to 35 units per acre
- Downtown Business District Area 9 – Multifamily Residential High/Medium Density
- Downtown Business District 12 – Multifamily Residential High Density
- Downtown Business District 13 – Multifamily Residential High Density Special

In order to meet the Town’s RHNA, on January 17, 2023, the Town approved General Plan Amendments creating new multifamily land use districts; the Residential – Multifamily High Density Special (30-35 units per acre) and Downtown Business District 13 – Multifamily Residential High Density Special districts. These new designations

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were applied to a total of 74 parcels totaling 67 acres of land Town-wide. Several multifamily housing sites in the downtown area which abut primary commercial streets are required to provide a commercial area equal to 8-10 percent of the total building area on the ground floor along the street to maintain the Town's commercial continuity.

As the Town has already approved all of the General Plan land use amendments and rezonings necessary to meet the RHNA, no legislative acts are required to allow residential development on these sites. All of the Town's General Plan land use density ranges establish minimum/maximum density developments and developments are not allowed to go above or below the density range, even if a development includes mixed uses, such as commercial use on a portion of the ground floor. In that case, the residential development must still be within the specified density range. However, housing developers often take advantage of the Town's Density Bonus Ordinance or the State Density Bonus Law to achieve densities above the top of the density range.

## Zoning Ordinance

The Danville Zoning Ordinance is the primary tool for implementing the Town's General Plan land use goals and policies. The Zoning Ordinance sets forth zoning designations which incorporate allowed and conditionally allowed land uses and specific development standards such as lot size, setbacks, and height. Zoning standards are also intended to implement General Plan policies such as preserving neighborhood character, managing traffic and service impacts, and protecting environmental quality.

## Development Standards

The Zoning Ordinance establishes two primary types of residential zoning: Single-Family Residential (D-1, R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) and Multifamily Residential (M-8, M-13, M-20, M-30, M-35, Downtown Business District (DBD) -9, DBD -12, and DBD 13). Residential use is also allowed by right above the ground floor in downtown zoning districts DBD-5 and DBD 11. Tables included in Attachment A illustrate the Town's basic development standards for each of these zoning districts. Detailed descriptions of the Town's residential zoning districts and associated development standards are available on the Town's website at Zoning Ordinance & Map | Danville, CA.

As part of this Housing Element update, on January 17, 2023 the Town adopted two new zoning districts, M-35 and DBD Area 13, and applied them to all of the Town's new RHNA sites, including 74 sites covering 67 acres of land. The M-35 District was applied to all of the RHNA sites outside of the Downtown Business District area and is a multifamily district allowing a minimum/maximum density of 30-35 unit per acre. The DBD Area 13 District was applied to all RHNA sites within the Downtown Business District Area and is a multifamily district allowing a minimum/maximum density of 30-35 unit per acre.

Regarding the Town's P-1; Planned Unit Development zoning district, the Town has chosen to rezone the housing sites to either M-35 or DBD Area 13, and not use the P-1 District. Unlike the P-1 district, the M-35 and DBD Area 13 Districts provide specific development standards, giving potential developers specific knowledge and certainty regarding development requirements. Since all of the Town's RHNA sites has already received General Plan Amendments and rezoning, no legislative acts are necessary to allow for development. It should be noted that the PUD is an optional process, and there are no areas mapped as PUDs.

## Analysis Of Land Use Controls: Impacts On Recent Developments

Danville's Multifamily – High Density Special Zoning Districts (i.e. M-35 and DBD 13) establish development standards for development of the sites, such as height, floor area ratio, setbacks, and parking requirements. Current standards include a 37-foot height limit, an 80% floor area ratio, a 10' average front yard setback, and no required side and rear setbacks in DBD 13, and side and rear setbacks of 20' in the M-35 District.

The concessions and waivers sought by developers for projects utilizing the State Density Bonus Law have provided insights into elements of existing zoning standards that may act as constraints to development. Of the four recently proposed projects using the State Density Bonus Law, there has been some level of consistency across the concessions and waivers to development standards, which have been outlined in Table 1 below. While each

site and project have unique site considerations, the development standards that serve as the biggest constraints to multifamily development are setback and height requirements based on these projects.

Based on this information, the Town has committed to adopting revised and less restrictive development standards for the M-20, M-25, M-30, M-35 and DBD 13 multifamily sites, increasing the floor area ratio from 80% to 120%; and reduced parking standards to better reflect current multifamily parking demand. In addition, the Town will amend zoning development standards for four significant housing sites to allow four story and maximum 45 foot high building. These sites are 510 La Gonda Way, 425 El Pintado Road, 315 & 319 Diablo Road, and 363 Diablo Road (see Appendix G, Policies 6.1.i, 6.1.j, and 6.1.k).

**TABLE 1. CONCESSIONS AND WAIVERS FOR RECENT DENSITY BONUS PROJECTS**

Project	Setback	Height	Parking	Building Design	Fee Deferral	Inclusionary Housing	Other
Abigail Cl.	x					x	
Edendale	x					x	
375 W. El Pintado	x	x	x			x	
Alexon Riverwalk	x	x				x	
Borel - Truemark	x	x				x	

Source: Town of Danville, 2022



The following tables analyze the impacts of the Town’s development standards on three recent development proposals:

**TABLE 2. ANALYSIS OF ALEXON RIVERWALK**

Alexon Riverwalk – 373 Diablo Road  
 Total Lot Area: 3.68; Zone: DBD Area 12

Regulation	Town Requirement	Proposed Project	Comments
Allowed Uses	Multifamily Residential	Three Story 144-unit apartment development	<i>Regulation is not a constraint as housing is allowed by right.</i>
Minimum Lot Area	No Minimum	3.68 acres	<i>Regulation is not a constraint.</i>
Maximum Density	30 units/acre	40 units/acre	<i>The maximum density may be a constraint as the developer sought and received an incentive under State Density Bonus Law for higher density.</i>
Maximum Height	35'	37'	<i>The 35 foot height limit may be a constraint as the developer sought and received an incentive under State Density Bonus Law for higher height.</i>
Floor Area Ratio (FAR)	80%	90%	<i>FAR may be a constraint as the developer sought and received an incentive under State Density Bonus Law to allow a higher FAR.</i>
Front Setback	Site-specific, no standard	28'	<i>Regulation is not a constraint</i>
Side yard setback	Site-specific, no standard	63'	<i>Regulation is not a constraint</i>
Rear yard setback	Site-specific, no standard`	44' to creek	<i>Regulation is not a constraint</i>
Parking	265	265	<i>Regulation is not a constraint</i>
Other Regulations Building Design	The development includes three stories, and maximum building height of 37 feet while the maximum allowed height is 35 feet. The project also exceeds the maximum 80 percent FAR with an FAR of 90 percent.		

**TABLE 3. ANALYSIS OF ABAGAIL CIRCLE**

Abigail Circle – Old Blackhawk  
 Total Lot Area: 2.57; Zone: P-1

Regulation	Town Requirement	Proposed Project	Comments
Allowed Uses	Single/Multifamily Residential (4-8 units per acre)	19 lot residential development including two BMR units`	<i>Regulation is not a constraint as housing is allowed by right.</i>
Minimum Lot Area	No Minimum	2.57	<i>Regulation is not a constraint.</i>
Maximum Density	8 units per acre	7.4 units per acre	<i>Regulation is not a constraint.</i>
Maximum Height	28'	27.9	<i>Regulation is not a constraint.</i>
Front Setback	Project-specific standard	20' minimum	<i>Regulation is not a constraint.</i>
Side yard setback	Project-specific standard	5' minimum	<i>Regulation is not a constraint.</i>
Rear yard setback	Project-specific standard	20' minimum	<i>Regulation is not a constraint.</i>
Parking	2 per unit	2 per unit	<i>Regulation is not a constraint.</i>
Other Regulations Building Design	Neighborhood compatibility	Compatible with neighborhood	<i>Regulation not a constraint.</i>



**TABLE 4. ANALYSIS OF EDENDALE**

Edendale

Total Lot Area: 5.05; Zone: P-1

Regulation	Town Requirement	Proposed Project	Comments
Allowed Uses	Single Family Residential	18 lot single family development incorporating 8 ADUs	<i>Regulation is not a constraint as housing is allowed by right.</i>
Minimum Lot Area	10,000 s.f.	6,745 – 10,054	<i>The 10,000 s.f. lot minimum may be a constraint as the applicant asked for smaller lots as an incentive.</i>
Maximum Density	3 units per acre	3.56 units per acre	<i>Regulation may be a constraint as the applicant requested a 20 percent density bonus.</i>
Maximum Height	35'	35'	<i>Regulation is not a constraint.</i>
Front Setback	20'	15"	<i>Regulation may be a constrain as the applicant requested 15' front yard setbacks.</i>
Side yard setback	10' minimum	10' minimum	<i>Regulation is not a constraint.</i>
Rear yard setback	20' minimum	20' minimum	<i>Regulation is not a constraint.</i>
Parking	2 per unit	3 per unit	<i>Regulation is not a constraint.</i>
Other Regulations Building Design	Building design is required to be compatible with the neighborhood. The development was allowed to implement 15' front yard setbacks in combination with side-loaded garages.	The buildings are compatible with the surrounding neighborhood	Regulation is not a constraint.
Inclusionary Housing	The applicant chose to incorporate 8 BMR ADUs into the project.		Regulation is not a constraint.

## Density

Since 2014, the maximum density allowed under the General Plan was 30 units per acre. In January, 2023, the Town added two new General Plan Land Use designations, each allowing a range of 30-35 units per acre. Though this figure is the maximum permitted density, the Town has established a track record of approving even higher density residential and mixed-use projects. The Town received five applications to build new, high density multifamily housing projects in the last five years and four have been approved and one is pending. The average yield of those projects is 113% of the maximum units permitted by zoning, in part because all but one has used the State Density Bonus Law. Table 5 provides more detailed information on these projects. As previously discussed, most proposals for new residential development in Danville use the State Density Bonus Law not only to seek concessions and waivers to existing development standards, but also to increase the overall unit count of a given project. While other factors like Town subsidies or developer interest in developing lower-income units can affect below-market-rate production, the development track record in the Town indicates that the permitted density is a potential constraint to new housing development. Thus, the Town has implemented the new 30-35 unit per acre designation.

Danville’s General Plan Land Use Designation establish a maximum as well as a minimum allowed density. Any housing proposal below the minimum density would require approval of a Geneal Plan Amendment. A General Plan change to allow a lower residential density would not generally be allowed as that would violate General Plan Policy 1.05 which requires the Town to “discourage General Plan Amendments and retain existing multifamily residential sites”.

The Town’s newly adopted M-35 and DBD 13 Multifamily Zoning Districts include a zoning standard that allows the development density of a site to be based on gross parcel size rather than net parcel size. This removes a development constraint as potential housing units within unbuildable portions of a site, such as creeks and steep slopes, can be transferred to the buildable area of a site. This will result in additional units and additional unit density for the buildable portion of a development site.

**TABLE 5. DENSITIES OF MULTIFAMILY PROJECTS, 2017-2022**

Project Name	VLI units	LI units	Mod units	AM units	Base Units	Density Bonus Units	Total Units	% BMR (of Base Units)	Density Bonus (%)	Project Density (units/acre)	Mathematical Capacity (units)	Yield % Units/capacity
373-383 Diablo Road – Alexon Riverwalk	10	0	0	134	113	31	144	9%	27%	40	113	127%
600 Hartz Avenue (FAZ)	0	0	6	31	37	0	37	15%	0	30	37	100%
3020 Fostoria Way (Borel)	0	50	0	118	168	0	168	30%	0	24	200	84%
375 & 359 West El Pintado	0	0	0	50	33	17	50	0%	51%	31	40	125%
2550 Camino Tassajara (Edendale)	0	8	0	18	15	11	26	30%	73%	5.1	15	173%
<b>TOTALS:</b>	10	58	6	351	366	59	425	20%	16%		375	113%

## Inclusionary Housing

Inclusionary zoning programs, of which the Town’s local Below Market Rate or BMR program is one variation, are sometimes perceived as adding to the cost of housing by requiring the market-rate units to subsidize the affordable units. This is an area of much dispute, both in the Bay Area and nationally. There are as many positive aspects of inclusionary programs than there are negative aspects. For example, a study conducted by the National Housing Conference’s (NHC) Center for Housing Policy (2000) highlighted several important contributions to inclusionary zoning to communities, not the least of which is the creation of income-integrated communities without sprawl.

Many studies have been published that specifically address the issue of who pays for inclusionary zoning. Some of these studies assert that the costs associated with inclusionary programs are passed on to the market priced homes, while other studies assert that in fact the cost is not borne by the end users at all. In an article published in the Hastings School of Law Review in 2002 which provided one of the first comprehensive reviews of inclusionary zoning and its cost implications for jurisdictions in California, Barbara Kautz, former Director of Community Development for the City of Dan Mateo and now a lawyer with Goldfarb and Lipman, noted that:

*Most cities that have conducted economic analyses have concluded that, in the long run, most of the costs are borne by landowners [rather than market rate renters or buyers.] Initially, before land prices have had time to adjust, either the market-rate buyers or the developer pays, depending on whether the market allows the developer to increase his prices. If*

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*the developer cannot raise the market price for the non-inclusionary units or lower his total costs, or some combination, his profits will decline.... To put this another way, builders will pay less for land because inclusionary zoning lowers their profits.*

Based on the research and many years of implementation (since 1994), the Town's inclusionary program is not a constraint to development. Developers have a variety of options for complying with the provisions of the Ordinance and may use either the Town's Density Bonus Ordinance or the State Density Bonus Law to obtain additional concessions and waivers.

The Town last updated its Inclusionary Housing Ordinance (Municipal Code Section 32-73) in 2014. The Ordinance applies to any residential project with eight or more units. For developments that are less than 20 units per acre, 10% of the units are required to be provided as moderate income units. For developments that have a density of 20 units per acre or greater, 15% of the units are required to be provided as moderate income units. All below market rate units (BMRs) are subject to an affordable housing agreement approved by the Danville Town Council and are deed-restricted to be rented or sold to a qualifying moderate income household at moderate income rate. The deed restrictions are typically in effect for a period of 20 years.

In addition, under the Ordinance, a developer may opt to incorporate Accessory Dwelling Units (ADUs) into a minimum of 25% of the units. These units are typically less than 500 square feet in size and are considered to be affordable by design. A number of detached single family developments have chosen this option over the last 30 years. Often, the builder ultimately includes ADUs in more than 25% of the units, as they are a popular option for buyers and the builder can recover construction costs as part of the sales price for the unit. This option results in no financial burden for the builder and is not a development constraint.

The cost of the burden for provision of the deed-restricted moderate income units is mostly borne by the builder. However, the Town's Density Bonus Ordinance (Municipal Code Section 32-74) allows for density bonuses and other development concessions in exchange for additional affordability. In addition, the Town Inclusionary Housing Ordinance provides for the waiver of Town fees related to construction of the affordable units, as well as a streamlined review process. Given these provisions, the Town's Inclusionary Housing Ordinance has not resulted in a constraint on development.

The Town Housing Plan includes a program to review the Inclusionary Housing Ordinance and to conduct a financial study to determine whether reducing the affordability level from moderate income to low income would be a constraint to development, and to identify additional fee waivers and incentives to help offset costs to the builder. The Town will also review the possibility of accepting affordable housing in-lieu fees for applicable developments.

In the last five years, all developers seeking a density bonus have chosen to invoke the State Density Bonus Law. This law provides for incentives, including additional project density in exchange for additional affordability, and provides for additional legal protections relate to a local government's review and approval process.

## **On-And Off-Site Improvements**

The standards for on-and off-site improvements contained in the Subdivision Ordinance do not constitute a constraint to housing development. They are no more restrictive than those typically found in other Contra Costa County cities. Sewer and water connection fees are established by the Contra Costa Central Sanitary District and the East Bay Municipal Utilities District and are therefore similar to fees in other jurisdictions served by these districts in the County.

**Subdivision-level improvement requirements are defined in the Town's Municipal Code. These requirements stipulate standards for streets, sidewalks, water and sewer, drainage, curbs and gutters, utility easements, and landscaping. Such improvements may be considered as a housing cost constraint if they are more costly than what is minimally required to meet health and safety standards or involve requirements that are atypical or exceptionally high relative to other jurisdictions in the vicinity. In Danville, the Town's infrastructure, including streets, storm drains, water lines, sewer pipes, and dry utilities, is already in place, greatly reducing potential infrastructure impacts on housing costs. Subdivision improvement standards are**

included in Chapter XXXI of the Danville Municipal Code. Standards are included for public and private streets, sidewalks and paths, underground utilities, curbs and gutters, and other standard improvements. The Town's housing sites are in urbanized areas where streets and ready access to public utilities exists. **Lot Area And Coverage**

The Town's M-35 and DBD 13 multifamily zoning districts, which cover most of the Town's housing inventory, have no minimum lot size and no minimum lot width and depth requirements. In addition, there are no maximum lot coverage requirements. Therefore, lot area, and coverage requirements are not a development constraint in Danville.

## Housing Types

The kinds of housing allowed by-right or with a permit in zoning districts as well as the overall land area covered by those zoning districts can affect the ability to provide a range of housing types that meet the needs of the current and future population. The Town has analyzed the types of housing allowed in its zoning districts and a summary of those findings are provided in Table 6. Two kinds of housing that are not currently permitted by right in the Town include farmworker housing and low barrier navigation centers.

While these housing types are not currently allowed, this Housing Element includes a program to remove this constraint. Beyond these two cases, the Town has limited restrictions on the housing types permitted in its zoning districts.

**TABLE 6. ZONING FOR DIFFERENT HOUSING TYPES**

Housing Types	Zoning Districts Where Permitted
Multifamily Rental Housing	D-1, M-30, M-25, M-20, M-13, M-8, P-1 (where multifamily housing is permitted)
Housing for Agricultural Employees	This type of residential land use is not currently permitted in the Town. It is however allowed as a conditional use in the Town's A-2; General Agricultural district. The Town has included in this Element a program to incorporate this use into the Zoning Code to allow farmworker housing in appropriate zoning districts.
Emergency Shelters	DBD 3; In addition, this Housing Element includes a program (Policy 7.1.k) to add emergency shelters as an allowed use in the DBD Areas 9 and 13 residential districts with occupancy up to 20 allowed by right.
Low Barrier Navigation Centers	Low Barrier Navigation Center (LBNC) is a housing-first, low-barrier (for admission), temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing.  This type of residential land use is not currently permitted in the Town, but included in this Element is a program to incorporate this use into the Zoning Code to allow low barrier navigation centers in the appropriate zoning districts.
Transitional Housing	All residential zoning districts
Supportive Housing	All residential zoning districts
Single-Room Occupancy Units	All residential zoning districts
Manufactured Homes	All residential zoning districts
Mobile Home Parks	There are not currently any mobile home parks in the Town and future development of this housing type is unlikely given the amount of land needed for this residential use and the cost of land in Danville.
Accessory Dwelling Units	All residential zoning districts

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## Accessory Dwelling Units

Section 32-76 of the Town's Municipal Code sets forth regulations for accessory dwelling (ADU) units in all single-family and multifamily zoning districts. The ADU ordinance was updated in 2018, 2021, and 2023 to conform to several changes to California legislation, including: S.B. 1069 (Chapter 720, Statutes of 2016) amending Government Code § 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2, AB 2299 (Chapter 735, Statutes of 2016) amending Government Code §65852.2, and AB 2406 (Chapter 755, Statutes of 2016) adding Government Code §65852.22.

Pursuant to State law, the Town's development standards allow two ADUs and one junior ADU per parcel by right within all single-family residential districts provided that certain objective development standards are met. ADUs are also allowed by-right within multifamily zoning districts consistent with State law. Objective development standards include:

- An ADU may have a maximum size of 2,000 square feet if the lot is one acre in size or more and 1,200 square feet for all other lots;
- An ADU must maintain a minimum four foot sideyard and rearyard setback;
- The maximum height of an attached ADU is 25 feet, or 35 feet if it meets the same setback requirements of the primary residence
- The maximum height of a detached ADU is up to 20 feet;
- Junior ADUs may be created from a conversion of up to 500 square feet of existing floor space.
- ADUs must comply with all applicable building codes
- ADUs must conform to fire and other health and safety codes

The Town's review of ADUs is limited to review for compliance with the objective development standards through the building permit review, thus reducing the time and expense previously required when similar projects would go through discretionary review. The Town's ADU standards are designed to promote the development of new ADUs and do not create a constraint on development.

In addition, the Town created a "Garden Cottage" program to further encourage the development of ADUs. The program includes free fully-designed and ready to build ADUs, with sizes of 600, 800, and 1000 square feet. Each plan includes three available architecture styles. The "Garden Cottage Program" reduces building structural plan review fees by 75%.

To further encourage production of ADUs, a Policy (Policy 6.3.c) has been included to reduce Town-controlled fees to the minimum necessary to recover consultant plan check costs. In addition, the Town will commit resources to revise the Town's build-ready Garden Cottage ADU program to bring the plans into compliance with 2023 State Building Code requirements.

In addition, to encourage additional infill development in all of the Town single family residential districts, the Town will amend the ADU Ordinance to allow up to two JADUs in any single family residence (see Policy 6.3.e).

Finally, the Town will work to encourage additional use of ADU laws and SB 9 by conducting a public outreach and education campaign related to rights under these laws (see Policy 6.1.h.3).

## Design Review

Danville requires design view for new multifamily development, residential development that is part of a new subdivision, and for any new development within a Town-identified Major Ridgeline or Scenic Hillside area. New single family re-development in the majority of Danville does not require a design review process and are subject to a streamlined review through the Town's Building Division.

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For new multifamily residential projects in the downtown area, the Town adopted Architectural Development Standards in 2008. The design standards insure the compatibility of new development with the existing character of Danville.

For residential development within a Town-identified Major Ridgeline or Scenic Hillside, development and design standards are included within the Town's Major Ridgeline and Scenic Hillside Ordinance (Municipal Code Section 32-69). The design review process is intended to 1) minimize the visibility of structures and other improvements and to protect views to the hills, 2) retain natural features of the land, and 3) protect vulnerable habitat and native vegetation. The guidelines set forth criteria for site and building design and landscaping, with emphasis on hillside and ridgeline areas and are made available online for review prior to proposal submittal.

For new residential subdivisions, design review is intended to assure new residences are compatible with surrounding existing neighborhoods. The Town does not have specific design standards for residential development outside the downtown or hillside areas. A work program to develop objective design and development standards has been included as a work program as part of this Housing Element (Appendix G, Policy 9.1.a).

The Town has also developed a Design Review Board Submittal Checklist to facilitate complete applications to streamline the review process (see Attachment B).

The Town's residential design review process provides specific guidance for development applications and does not result in a significant constraint to housing production in Danville.

Recent changes to State law have limited the scope of Design Review for local jurisdictions. SB330 took effect January 1, 2020, and was aimed at increasing residential unit development, protecting existing housing inventory and expediting permit processing. This law modified existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act and instituted the Housing Crisis Act of 2019. Under this legislation, municipal and county agencies are restricted in the local ordinances and policies that can be applied to review of housing development proposals. One such restriction is review of housing developments against objective design standards that are uniform in their application. In 2020, the Town adopted objective design standards for residential developments and plans to continue development of objective standards as part of this Housing Element. The objective criteria laid out in these standards remove constraints on development and aid in streamlining housing production and reducing overall development costs. The Town regularly conducts reviews for ongoing compliance with State Density Bonus law and the Housing Accountability Act.

## **Annexation Standards**

Although the Town of Danville does not expect to annex land within the planning period, an important land use regulation affecting development in Danville, as well as other cities in Contra Costa County, is the policy adopted by the Contra Costa County Local Agency Formation Commission (LAFCO) regarding annexation proposals. The standards and procedures set forth in the LAFCO policy affect its review of requests for Town annexation of lands proposed for development. The application of these standards will affect development of land outside existing Town limits.

Currently, the Town's Sphere of Influence does not extend substantially beyond the Town limits in most areas. The Town's sphere of influence extends beyond the Town limits in the eastern Tassajara Valley area. However, most of these areas are already developed or beyond the Urban Service Boundary.

It is not expected that the existing Sphere of Influence area will be altered to include vacant lands that would yield many more developable lots; therefore, annexation standards are not a constraint to development for Danville.

## **Wildfire Safety Requirements**

Recent State laws have imposed more intensive local planning efforts to mitigate wildfire hazards in communities identified as being at an elevated risk for wildfires. Only a small area of Danville is designated as Very High Fire Hazard Severity Zones. A large area of Town is within a High Fire Hazard Zone. Developments within these

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areas necessitate additional planning and building requirements for housing development in these areas. Such requirements might include retrofits to existing structures, the use of fire-resistive materials in new construction. While State law requires jurisdictions to adopt local ordinances for wildfire planning, many of these requirements have been implemented through the California building and residential codes, which are the standards used for development in Danville.

Given that wildfire mitigation requirements are imposed throughout the State, these safety measures are not a constraint to development.

## **Affirmatively Furthering Fair Housing**

In January 2017, Assembly Bill 686 (AB 686) introduced an obligation to affirmatively further fair housing (AFFH) into California state law. AB 686 defined “affirmatively further fair housing” to mean “taking meaningful actions, in addition to combat discrimination, which overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for persons of color, persons with disabilities, and other protected classes.

AB 686 requires that all Housing Elements prepared on or after January 1, 2021, assess fair housing through the following components:

- An assessment of fair housing within the jurisdiction that includes the following components: a summary of fair housing issues and assessment of the Town’s fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities; an assessment of contributing factors; and identification and prioritization of fair housing goals and actions.
- A sites inventory that accommodates all income levels of the Town’s share of the RHNA that also serves the purpose of furthering more integrated and balanced living patterns.
- Responsive housing programs that affirmatively further fair housing, promote housing opportunities throughout the community for protected classes, and address contributing factors identified in the assessment of fair housing.
- The analysis must address patterns at a regional and local level and trends in patterns over time.
- This analysis compares the locality at a county level for the purposes of promoting more inclusive communities.

The analysis completed for this work includes a series of actions to address fair housing concerns in the community. The complete analysis is found in Appendix D.

## **Condominium Conversions**

The conversion of apartment units to condominium units was a major regional concern identified by the Association of Bay Area Governments in the late 1970’s.

In 2014, the Town adopted a Residential Condominium Ordinance (Municipal Code Section 31.7.1) which is consistent with State law requirements. This Ordinance establishes an application process, noticing requirements to existing residents, and established inclusionary housing requirements and the availability of density bonus options.

To date, the Town has not received any application for a residential condominium conversion.

## **Development Fees**

The Town requires payment of fees as a condition of development approval. Fees are tied to the Town’s actual costs of providing necessary services such as project review and plan checking fees or are set to recover the cost of needed infrastructure. The current fee schedule is made available online for review.

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These fees are reviewed and adjusted annually. Planning fees are a small percentage of the total fees charged so even if the fees are increased, they would not constitute a deterrent to development.

A comparison of Danville's permit, development, and impact fees to other cities in Contra Costa County are included as Attachment C. Based on this survey, Danville's fee levels for developers are comparable, but above the average fees charged by other cities in Contra Costa County. Total estimated fees for construction of a 3,100 square foot single-family home are \$62,489. It should be noted that 72% of this total is from development fees imposed by agencies outside the Town's control, such as the Contra Costa County Central Sanitary District and the School District.

Since fees, particularly development impact fees, are set to recover the cost of needed infrastructure so that new development can proceed while maintaining desired public service levels, it can be concluded that the Town's existing fee levels are appropriate and do not constitute an undue governmental constraint on housing production. However, there is an imbalance in the proportion of Town fees paid across different housing types. Though the cost per unit was lowest for large multifamily projects, the proportion of impact fees to other fees is significantly higher for these projects. Similarly, the cost per square foot for small multifamily projects is more than twice that of a single-family home. This disparity across types of development is a constraint to development and the Town has incorporated a program to amend its fee structure to reduce the cost burden of fees for multifamily development (Policy 6.1.m).



**TABLE 7: DEVELOPMENT FEE ANALYSIS SUMMARY**

Single Family		Multifamily – Large		Multifamily – Small	
Units S.F.	3100	Unit S.F.	800	Unit S.F.	800
# Units	1	# Units	100	# Units	10
Cost Per Unit	\$62,489	Cost Per Unit	\$33,369	Cost Per Unit	\$34,708
Planning and Permit %	28%		3.67%		8.62%
Impact Fee %	72%		96.33%		91.38%
Fees					
Development Plan					
Preliminary Residential Development Application	\$3,120	Administrative- to include minor Scenic Hillside	\$600-\$1,200	Administrative- Single Family	\$2,400
Development Plan – Public Hearing					
Residential – Minor Projects	\$5,100		Residential – Larger or More Complex Projects		\$7,650
Scenic Hillside or Major Ridgeline – Minor Projects	\$5,100		Scenic Hillside or Major Ridgeline – Larger and/or More Complex Projects		\$7,650
Land Use Permit					
Temporary Mobile Home	\$1,200	Minor Project without Public Hearing	\$260-\$900	Minor Item with Public Hearing	\$2,250
Congregate Care Facility	\$5,100		Major Item with Public Hearing		\$9,900
Subdivision					
Major Subdivision – Five lots or more	\$7,650		Minor Subdivision – Four lots or less		\$5,100
Rezoning					
PUD – Rezoning – for Smaller and/or Less Complex Projects	\$6,600		PUD – Rezoning – for Larger and/or More Complex Projects		\$9,900
Variance					
Single Family Residence Processed as Administrative Permit – Complex – Moderate - Simple			\$1,500 - \$1,150 - \$800		

## Building And Municipal Codes

Building codes and enforcement do not constrain housing development in Danville. New construction is required to meet the requirements of the California Building Code (CBC), which is updated every three years by the California Building Standards Commission. There are no local amendments to the code.

The Town's Building Division plan checks building permit applications and inspects the construction as it is built to ensure compliance with the approved plans. The Building Division and Code Enforcement Division also perform inspections when a specific complaint relating to the health and safety of the building occupants is

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received. In conformance with the CBC, the Town requires new construction to meet all building codes currently in effect.

The Town's Code Enforcement Officer meets regularly with the Building, Planning, and Engineering Divisions to coordinate tasks. The Town strives to strike a balance between preventing blighted conditions and not setting the standard unnecessarily high. The Code Enforcement Officer also serves as an information officer, providing the homeowners with copies of the Town's regulations and advising them of ways to bring their properties into compliance.

## Processing Time

In an effort to meet the affordable housing goals, SB 35 requires cities and counties that have not made sufficient progress towards their state-mandated affordable housing goals to streamline the review and approval of certain qualifying affordable housing projects through a ministerial process. SB 35 requires cities and counties to streamline review and approval of eligible affordable housing projects through a ministerial approval process, exempting such projects from environmental review under the California Environmental Quality Act ("CEQA"). If it is determined that the project is eligible, SB 35 specifies the timeframes within which the jurisdiction must make a final decision on the application (between 90-180 days). To further streamline project review, this ministerial process also restricts design review of the project to objective design standards.

For projects that do not qualify for permit streamlining under SB 35, Danville's zoning code stipulates that residential land uses are permitted by right in each of its residential zoning districts, subject to compliance with objective development standards.

There are ten single-family zoning districts in which single family residences are allowed by right (D-1, R-6, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), and only require issuance of a building permit. Discretionary review by the Town is not required unless the residences are part of a new subdivision or located within a Town-identified Major Ridgeline or Scenic Hillside area. Proposed developments within a scenic hillside area can be approved administratively, while development within a major ridgeline area require approval by the Planning Commission.

Under the Town's General Plan and Zoning Ordinances, all proposed multifamily developments have a right to construct housing within the specified density ranges. The Town has adopted objective design and development standards as part of the residential zoning districts. As such, the Town review of residential development applications is limited to review for compliance with the adopted standards, and compliance with the California Environmental Quality Act (CEQA) as applicable.

All the Town's residential zoning districts include objective development standards to guide new development. Development standards include height, stories, floor area ratio, setbacks, and parking requirements. When considering approval of an application, the findings for approval are limited to a determination of the development's consistency with the adopted objective development standards. All new multifamily housing applications require review by the Design Review Board and review and approval by the Town's Planning Commission. The time taken to process development applications affects housing costs, since interest on development loans must continue to be paid. The longer it takes for the development to be approved, the higher the overall project costs will be. The following are estimated processing times for residential development. The time to process residential developments does not constitute a constraint in Danville.



**TABLE 8: ESTIMATED PROCESSING TIMES**

Type of Approval or Permit	Processing Time	Approval Body
Building Permit	Planning Division - .5-1 hour Building Division – 2 hours – 10 days	Town staff
Variance	1-2 weeks	Town Staff
Land Use Permit	1-2 weeks	Town Staff
Development Plan (Design Review)	2-4 months	DRB, PC
Minor Subdivision	1-3 months	PC
Major Subdivision	2-4 months	PC
Rezoning	2-4 months	TC
General Plan Amendment	4-6 months	TC
Mitigated Negative Declaration	2-4 months	PC
Environmental Impact Report	6-12 months	PC
SB 9 Urban Lot Split	2-4 weeks	Town Staff

Note: DRB: Design Review Board, PC: Planning Commission, TC: Town Council

These processing times are comparable, and in some cases faster, than the time taken for processing similar projects in surrounding cities. The following table shows the length of time taken to approve recent housing and commercial development applications in Danville. This table illustrates that the cumulative impact of various Town-imposed reviews generally does not negatively impact the time it takes to move projects through the approval process.

Standard single family residential developments only require Building Permits and no additional planning entitlements. The Building Permit process is streamlined with a 10 day review period.

Multi-family residential developments require Building Permits which have a 10-day review period for the first plan check comments for building permit issuance. If additional review and submittals are required, the Town completes subsequent plan checks in seven days. Development of new single family homes, and additions to existing homes are reviewed ministerially, requiring only a building permit, in most areas of Town. New residential subdivisions, multifamily buildings, and developments within Town-identified Major Ridgeline and Scenic Hillside areas require review by the Town's Design Review Board and approval by the Town's Planning Commission in most cases. Development Plans requiring Planning Commission approval typically include one Design Review Board hearing and one Planning Commission hearing. The Town has approved a resolution establishing objective development and design standards for residential developments processed under SB 330. The Town also prepared an FAQ handout and a list of submittal requirements, for SB 330 development, which is available on the Town's website and at the front counter. The Town complies with all requirements under SB 330.

In order to further reduce potential review time constraints, the Town has added a work program (Appendix G, 6.1.m) to amend the Town's Municipal Code to allow proposed multifamily development with 10 or fewer units to be approved administratively. This would allow these developments to be approved at a staff level, with no required Planning Commission public hearings.

**TABLE 9: PROCESSING TIMES FOR SELECTED PROJECTS**

Name of Project	Entitlement Sought	Deemed Complete	Approved	Time Taken
194 Diablo	Development Plan for major remodel of a commercial building	3/27/20	6/11/20	2.5 months
134 El Dorado	Minor Subdivision and Development Plan to subdivide the property to allow three attached units and two detached units	7/6/20	12/9/20	4 months
600 Hartz Avenue	37 unit mixed use condo development with 4,000 s.f. of commercial and basement parking	1/13/22	5/10/22	4 months
Magee Ranch Architecture	Development Plan for units to be constructed on a previously approved 76 unit subdivision	11/3/21	1/25/22	2.75 months
2460 Tassajara Ln.	Development Plan to allow a 4,618 square foot residence	3/8/21	4/9/21	1 month

To further reduce the time taken to process and review discretionary applications, the Town has implemented the following measures:

- Objective design standards for new multifamily housing to establish clear criteria for project review.
- Providing all application forms, design guidelines, and relevant planning documents online.
- Conduct pre-application meetings between Town Staff and the property owner/developer at no cost to the applicant to discuss and resolve any problems associated with a proposed development.
- Schedule informal study sessions with the Design Review Board and/or Planning Commission at no cost to the applicant.
- Scheduling pre-application joint meetings of the Town Council, Planning Commission and Design Review Board for major projects at no cost to the applicant

## Infrastructure Constraints

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

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

In addition, several other impact fees have been put into place to facilitate the construction and improvement of the basic infrastructure improvements needed by residential development. The impact fees include, among others, the two-tier fees for transportation improvements created through the Dougherty Valley Settlement Agreement, various sub-regional traffic impact fees; park land in-lieu fees and childcare fees.

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The Growth Management Element of the General Plan serves to ensure that the infrastructure and urban services and facilities are in place to serve new development.

Many of Danville's affordable housing opportunities are infill development locations in areas already served by existing infrastructure. The vast majority of the incorporated limits of the Town lie within the service boundaries for water and sewer service, virtually assuring that the vacant and underutilized parcels identified in this document could develop by the end of the 2023-2031 Housing Element planning period.

East Bay Municipal Utility District (EBMUD) is the water purveyor for the Danville area. EBMUD's current (2020) Water Supply and Management Program (WSMP) serves as the basis for water conservation and recycling programs and for development of supplemental supply initiatives. The WSMP seeks to provide a diverse and robust water supply portfolio that ensures water reliability in an uncertain future while also protecting the environment.

Through the implementation of the WSMP, EBMUD is meeting future growth with aggressive conservation and recycling, while supplemental supply components allow a lower rationing level and thereby decrease direct impacts on EBMUD customers during dry years. However, the water supply needs to accommodate build-out of the Town's RHNA exceeds EBMUD's project water supply for the area. As a result, the Town adopted a Statement of Overriding Considerations for the Housing Element implementation project, allowing development projects to go forward despite this impact.

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

The population of the service area is approximately 471,000 residences and thousands of businesses within a 144 square mile area. In 2022, the wastewater treatment plant's average flow dry weather rate was 45 million gallons per day (MGD). This rate is well within the permitted 53.8 MGD average dry weather flow limit allowed for by Order No. R2-2012-0016 issued by the SF Bay Region of the California Regional Quality Control Board and by National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037648. CCCSD has indicated it will be able to serve the planned growth provided through the Danville 2030 General Plan and the 2023-2031 Housing Element.

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

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

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

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

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## Transitional, Supportive, And Farmworker Housing

The Town's Municipal Code lists transitional and supportive housing with six or fewer residents as uses allowed by right in all residential zoning districts. Transitional and supportive housing with more than six residents are subject to approval of a Land Use Permit. As such, transitional and supportive housing with six or fewer residents are treated the same as any residential household in all residential districts and will receive the same consideration as other residential uses when included in mixed use projects. The Town wishes to remove the constraint of capacity and streamline the process for allowing transitional and supportive housing of any size by right within residential districts, consistent with State Law. Therefore, the Town has added a program to be consistent with State law (Policy 7.1.h).

The Town does not currently define farmworker housing as a specific allowed by right use in its municipal code, but has provided a program as part of its housing strategy to permit this use as required under the California Employee Housing Act to remove any constraints to production of this housing type.

## Emergency Shelters

The Town's Municipal Code lists emergency shelters with six or fewer residents as uses allowed in Downtown Business District 3. Emergency shelters with more than six residents are subject to approval of a Land Use Permit. As such, emergency shelters with six or fewer residents are treated the same as any other use allowed in Downtown Business District 3.

As part of the work plan for this Housing Element, the Town will amend the municipal code to also allow emergency shelters as a by-right use with up to 20 occupants within Downtown Business Districts DBD Areas 9 and 13 (Policy 7.1.k).

The Town's Municipal Code requires transit accessibility where ongoing alternate means of transportation shall be provided by the facility operators, such as provision of a shuttle bus service to and from the bus route station, unless the emergency shelter is located within one-half mile of an existing bus route station. All properties located within Downtown Business District 3 are within one-half mile of a bus route station.

The parking demand for Downtown Business Districts 3, 9 & 13 are specific to individual uses. As a part of the work plan, the Town will revise parking standards for emergency shelters in all three districts to comply with State law (Policy 7.1.k).

## Constraints On Housing for People with Disabilities

Both the Federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA) impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling." This directive was further enhanced by adoption of Senate Bill 520 in 2002, which amended Housing Element law to require local governments to analyze constraints upon the development and maintenance of housing for persons with disabilities and to remove those constraints or provide reasonable accommodations for housing designed for persons with disabilities.

"Reasonable accommodation" is defined as the act of making existing facilities used by residents readily accessible to and usable by individuals with disabilities, through the removal of constraints within the zoning, permit, and processing procedures. Reasonable accommodation was originally meant to provide accommodation for housing for people who needed accommodation on a personal basis.

However, the State has taken an expanded view and now considers reasonable accommodation to include land use, development improvements, and accessibility, as well as processing and administration. An accommodation is deemed "reasonable" if it does not impose "undue financial and administrative burdens" on the jurisdiction

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or require a “fundamental alteration in the nature” of its zoning scheme. In other words, the Town must create a process to allow disabled persons or developers and operators of housing for people with disabilities to make a claim for relief from whatever constraints they assert exist.

In response to Senate Bill 520 and amended Housing Element law, a program was added to the 2014-2022 Housing Element to analyze and determine whether there are constraints on the development, maintenance and improvement of housing intended for persons with disabilities, consistent with Senate Bill 520 enacted on January 1, 2002. The analysis included an evaluation of existing land use controls, permit and processing procedures and building codes.

In 2014, the Town adopted a Reasonable Accommodation Ordinance (Section 32-71 of the Municipal Code). The stated purpose of the ordinance is to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing.

The Town's Reasonable Accommodation Ordinance provides an application submittal process, objective findings for approval, and an administrative process for review and approval of requests. Findings for approval include: The housing will be used by a disabled person; The requested accommodation is necessary to make specific housing available to a disabled person; The requested accommodation would not impose an undue financial or administrative burden on the Town and; The requested accommodation would not require a fundamental alteration in the nature of a Town program or law, including land use and zoning. Requests for reasonable accommodation may include yard encroachments for ramps and other accessibility improvements, hardscape additions that result in noncompliance with required landscaping or open space provisions, and reduced parking where the disability clearly limits the number of persons operating vehicles. All applications must be acted upon within 30 days.

In order to further streamline the reasonable accommodation process, the Town has added a program (Policy 7.1.m) to amend the Town's Reasonable Accommodation Ordinance to provide for a ministerial rather than administrative review process. With this change, reasonable accommodation requests will be reviewed at a staff level only, with no public notification.

## Conclusions

The biggest constraint concerning the development of housing, especially that which is affordable, is the very high cost of development, which includes high land costs, and the lack of funding to support that development or underwrite the cost of land.

The dissolution of Redevelopment Agencies in California has left Danville with few tools to support the development of affordable housing. With the lack of State or local funding sources, even high density multifamily housing typically does not rent or sell at an affordable rate.

Construction and labor costs account for the largest proportion of development costs and, while the Town will make concerted efforts to remove constraints, these factors are out of the Town's control and will remain a challenge to housing development without State or Federal intervention.

With the proposed density increases in various parts of the Town to meet the RNHA requirement, analysis of past projects and the Town's zoning standards have identified, height, setback, and other standards may become potential governmental constraints to the development of housing. The Implementation Plan includes a variety of actions to address these potential constraints, including but not limited to working with real estate professionals, economists, developers, and others to analyze the specific impacts of various building standards on the cost to develop housing. From this work, the Town will be able to make informed and appropriate modifications to zoning requirements to eliminate these constraints.

In addition, while the per-unit development and impact fees assessed on single-family developments are almost twice the amount of the costs per unit for multifamily housing, the fees disproportionately impact multifamily

development on a square foot basis. This disparity across types of developments is a constraint to development and the Town has incorporated a program to amend its fee structure to reduce the cost burden of fees for multifamily development.

**TABLE 10: DANVILLE RESIDENTIAL DEVELOPMENT STANDARDS**

Chapter Number	Zoning Symbol	Zoning District	MINIMUM STANDARDS						Maximum Standards	
			Lots			Yards			Building Height	Floor Area Ratio
			Area	Width	Depth	Front	Side	Rear		
32-22	R-6	Single Family Residential	6,000 sq. ft.	60'	100'	20'	5' 15' total	20'	35' 2.5 stories	-
32-22	R-7	Single Family Residential	7,000 sq. ft.	70'	100'	20'	5' 15' total	20'	35' 2.5 stories	-
32-22	R-10	Single Family Residential	10,000 sq. ft.	80'	100'	20'	10' 20' total	25'	35' 2.5 stories	-
32-22	R-12	Single Family Residential	12,000 sq. ft.	100'	100'	20'	10' 25' total	25'	35' 2.5 stories	-
32-22	R-15	Single Family Residential	15,000 sq. ft.	100'	100'	20'	10' 25' total	25'	35' 2.5 stories	-
32-22	R-20	Single Family Residential	20,000 sq. ft.	120'	120'	25'	15' 35' total	30'	35' 2.5 stories	-
32-22	R-40	Single Family Residential	40,000 sq. ft.	140'	140'	25'	20' 40' total	30'	35' 2.5 stories	-
32-22	R-65	Single Family Residential	65,000 sq. ft.	140'	140'	25'	20' 40' total	30'	35' 2.5 stories	-
32-22	R-100	Single Family Residential	100,000 sq. ft.	200'	200'	30'	30' 60' total	30'	35' 2.5 stories	-
32-28	M-8	Multi Family Residential	6,000 sq. ft.	-	-	25'	20'	20'	35' 2.5 stories	50%
32-27	M-13	Multi Family Residential	8,000 sq. ft.	-	-	25'	20'	20'	35' 2.5 stories	65%
32-26	M-20	Multi Family Residential	10,000 sq. ft.	-	-	25'	20'	20'	35' 2.5 stories	80%
32-24	M-30	Multi Family Residential	10,000 sq. ft.	-	-	25'	20'	20'	37'	80%
32-29	M-35	Multi Family Residential	-	-	-	25'	20'	20'	3 Stories	80%
32-45	DBD-5	Downtown Business District	-	-	-	20' Avg. 10' for corner lots	5' 15' total	20'	35' 2.5 stories	65%
32-45	DBD-9	Downtown Business District	-	-	-	25'	20' 40' total	20'	35' 2.5 stories	-
32-45	DBD-12	Downtown Business District	-	-	-	-	-	-	35'	80%
32-45	DBD-13	Downtown Business District	-	-	-	10'	0	0	3 Stories	80%
32-63	P-1	Planned Unit District	Flexible							

\* Residences located within a Town-identified Scenic Hillside/Major Ridgeline Aea may be subject to a 28' average height limit.



# SUBMITTAL REQUIREMENTS FOR: **DESIGN REVIEW BOARD** **PLANNING**

## **DEAR APPLICANT:**

*In order for Staff and the Design Review Board to be able to properly evaluate your project, the following information relevant to the project needs to be included on the Project Plans submitted for review. Please indicate which items have not been included in the packet and provide a statement as to why they cannot be supplied.*

## **GENERAL SUBMITTAL REQUIREMENTS**

1. Prepare a Cover Sheet with the following information:

- Sheet index
- Project data (lot size, zoning, parking etc)
- Vicinity map showing sufficient detail to locate site

2. Prepare a Site Plan, clearly and legibly drawn to scale with the following information:

- Property lines
- Existing and proposed improvements with dimensions to all property lines
- Buildings on adjacent sites (approximate location to shared property lines)
- Site section (for projects involving hillside/ridgeline lots)
- Topography lines (for projects involving hillside/ridgeline lots)
- Site details (i.e., screen walls, trash enclosures, trellises, decks, etc.)
- Photos with locations keyed to site plan
- Aerial photos (where appropriate)

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3. Prepare a Floor Plan, clearly and legibly drawn to scale with the following information:

- Overall Floor Plan
- Windows and exterior doors located
- Exterior dimensions

4. Prepare Exterior Building Elevations, clearly and legibly drawn to scale with the following information:

- Building elevations with height dimensions (for Downtown projects, show adjacent structures, and include photo-simulation where appropriate)
- Door and window locations
- Roof elements
- 3-Dimensional analysis (Downtown-where appropriate)

5. Prepare a Roof Plan, clearly and legibly drawn to scale with the following information:

- Eave overhangs, ridges, hips and valleys
- Roof pitch

6. Prepare a Preliminary Landscape Plan, clearly and legibly drawn to scale with the following information:

- Existing trees (show species type, drip line and tree diameter measured 4 ½ feet above natural grade)
- Proposed tree location, type, quantity, and size (i.e. 15 gal)
- Proposed plant materials, type, location, and size
- Hardscape locations and finishes
- Water features

## **MATERIALS AND COLORS LABELING**

### **Windows**

- List type of frames (wood, aluminum, vinyl, etc.)
- Indicate color of exterior frames
- Label type of muntins or grilles (i.e., indicate use of: no muntins; interior muntins; simulated divided light or true divided light)

### **Exterior doors**

- List type of frames (wood, aluminum, vinyl, etc.)
- Indicate color
- Label type of muntins or grilles (i.e., indicate use of: no muntins; interior muntins; simulated divided light or true divided light)

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## **Siding**

- Show locations of all siding (if more than one type)
- Show direction of material for wood siding (horizontal or vertical)
- Label masonry manufacturer and model for manufactured stone or brick
- Label type of stone, indicate if real
- Show/label masonry caps and trim
- Label type of texture if stucco
- Label sizes of all decorative trim for doors, windows, skirts, braces, posts, etc.
- Label with color scheme (Body, Trim, and Accent) and list colors in a legend

## **Roofing**

- Label with type of material (wood, simulated shakes, metal, tile, composition)
- Label with manufacturer and color

## **Driveways, walks, decks & patios**

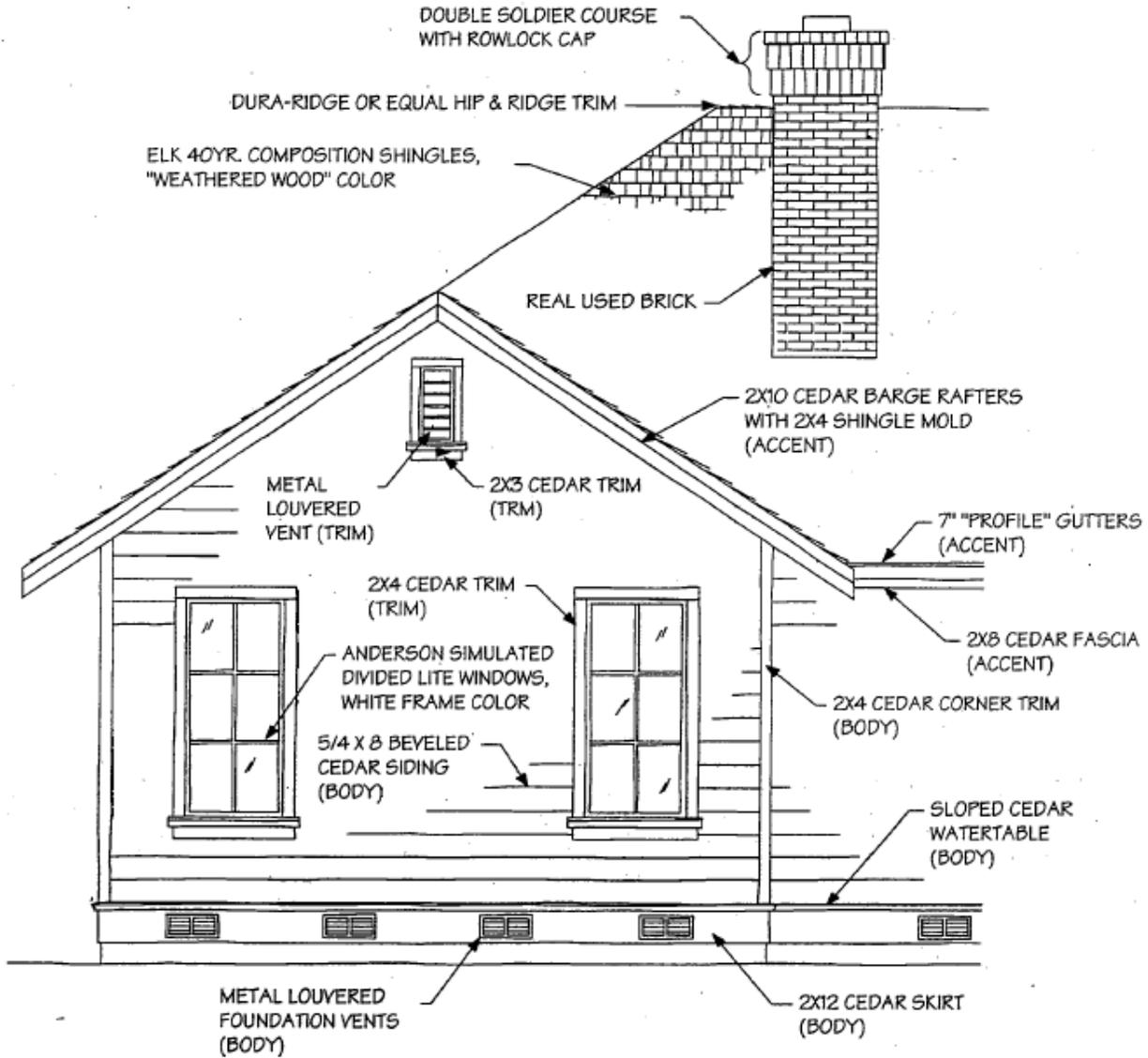
- Label with type of material
- Label with color and finish texture
- Show railing details, finishes and materials

## **Lighting**

- Show location and type of fixture (uplight, downlight, flood, lantern)
- Show proposed landscape lighting, fixture type, and size (i.e. height)
- Provide fixture cut-sheets (commercial projects)

***Please submit a copy of the completed checklist along with your project plans to the Planning Division each time you submit an application for Planning Review***

# SAMPLE OF MATERIALS AND COLORS LABELING



## FRONT ELEVATION

1/4" = 1'-0"

"( )" DESIGNATES PAINT COLOR  
 BODY = KELLY MOORE #XYZ  
 TRIM = KELLY MOORE #XY  
 ACCENT = KELLY MOORE #X

TOWN OF DANVILLE DESIGN REVIEW BOARD 12/99



**TOWN OF DANVILLE, CA**

Site Information	Single Family			Multifamily - Large			Multifamily - Small		
	Unit S.F.	3100	Unit S.F.	800	Unit S.F.	800	Unit S.F.	800	
	# of Units	1	# of Units	100	# of Units	100	# of Units	10	
	Valuation	\$432,647.00	Valuation	\$12,521,600.00	Valuation	\$1,252,160.00	Valuation	\$1,252,160.00	
Fee Classification	Multiplier	Per	Cost	Multiplier	Per	Cost	Multiplier	Per	Cost
<b>Entitlement Fees</b>									
Development Plan Pre-submittal	\$300.00	Set	\$300.00	\$300.00	Set	\$300.00	\$300.00	Set	\$300.00
Preliminary Residential Development	\$3,120.00	Set	\$3,120.00	\$3,120.00	Set	\$3,120.00	\$3,120.00	Set	\$3,120.00
Administrative - Single Family	\$2,400.00	Set	\$2,400.00	\$2,400.00	Set	\$2,400.00	\$2,400.00	Set	\$2,400.00
Fire Department Review	\$342.00	Hr	\$684.00	\$342.00	Hr	\$684.00	\$342.00	Hr	\$684.00
DRB - Pre-Submittal	\$250.00	Set	\$250.00	\$250.00	Set	\$250.00	\$250.00	Set	\$250.00
DRB - Administrative	\$400.00	Set	\$400.00	\$3,600.00	Set	\$3,600.00	\$3,600.00	Set	\$3,600.00
<b>TOTAL ENTITLEMENT FEES</b>			<b>\$7,154.00</b>			<b>\$10,354.00</b>			<b>\$10,354.00</b>
<b>Building Fees</b>									
Building Permit Fee	Based on Valuation		\$2,856.57	Based on Valuation		\$41,901.79	Based on Valuation		\$6,403.05
Building Plan Check Fee	65% of Permit Fee		\$1,856.77	65% of Permit Fee		\$27,236.16	65% of Permit Fee		\$4,161.99
Electrical Permit	20% of Permit Fee		\$571.31	20% of Permit Fee		\$8,380.36	20% of Permit Fee		\$1,280.61
Plumbing Permit	17% of Permit Fee		\$485.62	17% of Permit Fee		\$7,123.30	17% of Permit Fee		\$1,088.52
Mechanical Permit	18% of Permit Fee		\$514.18	18% of Permit Fee		\$7,542.32	18% of Permit Fee		\$1,152.55
Electrical Plan Check	17% of Plan Check		\$315.65	17% of Plan Check		\$4,630.15	17% of Plan Check		\$707.54
Plumbing Plan Check	20% of Plan Check		\$371.35	20% of Plan Check		\$5,447.23	20% of Plan Check		\$832.40
Mechanical Plan Check	18% of Plan Check		\$334.22	18% of Plan Check		\$4,902.51	18% of Plan Check		\$749.16
SMIP Fee	0.013% of Valuation		\$56.24	0.013% of Valuation		\$1,627.81	0.013% of Valuation		\$162.78
CA Building Standards Fee	\$1 per \$25k Valuation		\$17.31	\$1 per \$25k Valuation		\$500.86	\$1 per \$25k Valuation		\$50.09

Comprehensive Planning Fee	0.1% of Valuation (\$2k min.)	\$2,000.00	0.1% of Valuation (\$2k min.)	\$2,000.00	0.1% of Valuation (\$2k min.)	\$2,000.00	0.1% of Valuation (\$2k min.)	\$2,000.00
Planning Review	Set	\$300.00	Set	\$300.00	Set	\$300.00	Set	\$300.00
Engineering Review	Set	\$300.00	Set	\$300.00	Set	\$300.00	Set	\$300.00
Fire Protection Fee	Set	\$373.00	Set	\$373.00	Set	\$373.00	Set	\$373.00
<b>TOTAL BUILDING FEES</b>		<b>\$10,352.24</b>		<b>\$112,265.50</b>		<b>\$19,561.68</b>		
<b>Impact Fees</b>								
School District Fee	SF	\$3.79	SF	\$3.79	SF	\$3.79	SF	\$3.79
CCC Sanitary District Connection Fee	Unit	\$9,300.00	Unit	\$9,300.00	Unit	\$9,300.00	Unit	\$9,300.00
Childcare Facilities	Unit	\$335.00	Unit	\$115.00	Unit	\$115.00	Unit	\$1,150.00
Park Land In Lieu	Unit	\$12,449.00	Unit	\$7,251.00	Unit	\$725,100.00	Unit	\$68,240.00
Southern Contra Costa Regional Fee	Unit	\$1,593.00	Unit	\$1,593.00	Unit	\$159,300.00	Unit	\$15,930.00
Southern Contra Costa Sub Regional Fee	Unit	\$4,395.00	Unit	\$4,395.00	Unit	\$439,500.00	Unit	\$43,950.00
Transportation Improvement Program	Unit	\$2,000.00	Unit	\$1,400.00	Unit	\$140,000.00	Unit	\$14,000.00
Tri-Valley Transportation Fee	Unit	\$5,057.00	Unit	\$5,057.00	Unit	\$505,700.00	Unit	\$50,570.00
<b>TOTAL IMPACT FEES</b>		<b>\$44,983.00</b>		<b>\$3,214,300.00</b>		<b>\$317,160.00</b>		
<b>TOTAL PROJECT FEES</b>		<b>\$62,489.24</b>		<b>\$3,336,919.50</b>		<b>\$347,075.68</b>		

Cost Per Unit \$62,489.24

Planning and Permit % 28.01%

Impact Fee % 71.99%

33,369.19

8.62%

3.67%

96.33%

\$34,707.57

