

Hello Piedmont Planning Commission:

Comments on the Housing Element (HE) for your consideration.

1. Recommend staff lower the allowed height for ADUs to 20 feet and conduct further study of this height.

The presentation on ADU incentives at the October 2021 Housing Advisory Committee meeting is to my knowledge the only documentation on ADU incentives in the HE public process. Excerpts from that presentation are presented below. At no point was 24 feet presented as an option for ADU height yet the HE recommends this height and without the additional study called for in the October 2021 presentation (see below). In fact, the diagram shows a height of 18.6 ft as acceptable for new ADUs.

“Incentive Programs While Junior ADUs (JADUs) can qualify as affordable units without additional regulation, formal incentive programs need to be established in order for ADUs to contribute to Piedmont’s affordable housing stock. The State’s Health and Safety Code (HSC), Section 65583(c)(7), requires that cities and counties develop a plan as part of their Housing Element that incentivizes and promotes the creation of ADUs that are offered at affordable rent for very-low, low-, and moderate-income households. Affordable rents are typically enforced with 10-year deed restrictions, and the units must be recorded and filed with the California Department of Finance. Over the course of this study, we reviewed a number of potential incentives to encourage the development of low- and very-low income rent-restricted units. The general strategy is to allow less restrictive development standards in return for a time-limited deed-restriction ensuring the maintenance of the affordable dwelling unit. **We believe the following incentives deserve additional study and consideration: Height Limit and Number of Stories 1. In exchange for a deed-restricted affordable unit, grant an increase in the height limit to 20 to 22 feet and allow for construction of a 2-story ADU.** Imposing a slightly wider setback of 6 to 8 feet could help mitigate the impact on neighboring properties. 2. Similarly, an affordable unit could be permitted over an existing garage, with similar height limits, or height limits that take into account the height of the existing garage

Carriage House: While noted as a potential affordable incentive in our report, relieving the height limit for an ADU constructed over an existing garage, assuming the footprint remains the same, would enable residents to maintain on-site covered parking while adding a dwelling unit to their property. This Carriage House model is a traditional way of providing an additional dwelling unit over a garage or storage building, and would seem consistent with much of Piedmont’s existing residential fabric. Other California jurisdictions (Santa Monica and Orange County, for example) have adopted this option to encourage retaining existing parking counts. **A similar limit on overall building height, and/or accommodation of roof pitch, as noted in the previous recommendation, would be appropriate.”**



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While noted as a potential affordable incentive in our report, relieving the height limit for an ADU constructed over an existing garage, assuming the footprint remains the same, would enable residents to maintain on-site covered parking while adding a dwelling unit to their property. This Carriage House model is a traditional way of providing an additional dwelling unit over a garage or storage building, and would seem consistent with much of Piedmont’s existing residential fabric. Other California jurisdictions (Santa Monica and Orange County, for example) have adopted this option to encourage retaining existing parking counts. A similar limit on overall building height, and/or accommodation of roof pitch, as noted in the previous recommendation, would be appropriate.

[https://p1cdn4static.civiclive.com/UserFiles/Servers/Server\\_13659739/File/Government/Departments/Planning%20Division/Housing%20Programs/LWC\\_Piedmont\\_New%20Fair%20Housing%20Programs\\_101821.pdf](https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/Housing%20Programs/LWC_Piedmont_New%20Fair%20Housing%20Programs_101821.pdf)

This recommendation for elevated ADU height of 24 feet seems predicated on the belief that it is consistent with Piedmont's residential neighborhoods.

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This assumption may be correct for Zone E but is grossly incorrect for Zone A, where most of Piedmont's residences are found. Piedmont's residential fabric is mostly defined by the Chapter 17 principal that new development not impact the light, views and privacy of neighboring properties. Those characteristics are defined by large front yard setbacks (with prohibitions with what can be placed there) and consistent side and rear yard setbacks that leads most properties to develop the backyard as a principal space for socialization. And in many cases, garages and other structures are placed at the 4-foot rear and sideyard setback lines so as to preserve backyards as habitable space. Allowing such structures to rise to 24 feet would significantly impact the enjoyment of the neighboring backyards. Piedmont limits fence height to 8 feet so expanding the setback in such cases to 8 feet would have virtually no effect on this degradation of neighbor privacy.

The HE proposed multiple incentives to foster new and affordable ADU development and the effectiveness of these proposals should be evaluated through the next housing cycle before resorting to this extreme proposal of 24 feet, especially as the HE provides no rationale for this height. And without a mechanism in place to document that ADU and deed-restricted ADU are being occupied by new residents, it seems disingenuous to the spirit of the HE and the City's residential character to incentivize their development through this approach.

2. Incorporate additional references of the Piedmont General Plan and Climate Action Plan Policies into the Housing Element.

There are many policies in the General Plan that need to be coordinated with the HE proposals, especially site selection and particularly the Moraga Canyon sites. These pertain to sustainability policies that were specifically incorporated in the General Plan when it was updated in 2009. Three examples are presented below. Likewise, the HE should reference the Climate Action Plan 2.0 2030 and 2050 Greenhouse Gas reduction targets and assert that all new development – ADU, single family and multi-family development – be all-electric construction. All cities face these targets but Piedmont is fairly unique in that most of its existing housing stock is remodeled rather than replaced with new construction. As such it is very difficult for the City to achieve GHG reductions through energy-efficient new construction. As natural gas use in Piedmont is increasing, it is essential that new construction not add to that trend.

### **City of Piedmont Sustainability Policy**

It is the intent of the City of Piedmont to be a sustainable community - one which meets its current needs without compromising the ability of future generations to meet their own needs. In adopting this policy, the City of Piedmont accepts its responsibility, through its operations, programs and services, to:

- Continuously improve the quality of life for all Piedmont residents without adversely affecting others.
- Enhance the quality of air, water, land and other natural resources through conservation, reduced pollution, increased efficiency, and protection of native vegetation, wildlife habitat and other ecosystems.
- Reduce greenhouse gas emissions, specifically by reducing landfilled waste, energy consumption, and water consumption, and by encouraging walking, bicycling and other alternative travel modes.
- Encourage greener methods of construction.

- Support small local businesses that use sustainable practices in their own operations
- Promote public education and awareness of sustainability issues.
- Align and partner with community groups, businesses, residents, non-profits, and neighboring communities where appropriate to work toward these goals

**Policy 14.4:** Retention of Healthy Native Trees Encourage the retention of healthy native trees as new construction takes place, including home additions and landscaping projects. Existing significant trees should be conserved where feasible when development takes place.

**Policy 16.1:** Linking Land Use and Transportation Choices Consistent with the Land Use and Transportation Elements of this plan, retain walkable neighborhoods, reliable public transportation, safe cycling, carpooling, convenient access to shops and services, and other measures which reduce the need for driving and fuel consumption in Piedmont.

3. Include an assessment of potential units from development of the multi-family and multi-use zones in Piedmont.

In Table B.4 of Appendix B, the HE provides the new density assumptions for the different zones in Piedmont but then does not appear to apply them to estimate potential for units in the multi-family and multi-use zones. Properties in these zones are non-vacant but the HE should calculate the potential units that could be developed on these sites should they be converted to multi-family housing during the next cycle. Table B-7 gives an example of what this analysis would look like. The development of the multi-use zone occurred during the 5<sup>th</sup> Cycle and while no new units were generated as a result, the increase in allowable density in the current HE could change that. As the HE is about housing *potential*, the potential of these zones should be quantified in Appendix B.

4. Include an assessment of potential units from the development of residential zones A and E.

There is immense potential for new housing in Zones A and E due to the new development rights granted by SB9. As table 3.2 from the General Plan shows, almost 50% of Piedmont residential lots are greater than 10,000 square feet and 22% greater than 20,000 square feet. How this potential could be used for affordable housing needs further study but a simple “by right” assumption that all these lots will split under SB9 provides a simple assessment of its housing potential. Table B-4 needs to be updated with a more realistic assessment of density for single family residential-estate and that assumption used to estimate potential units. The text below from an HCD factsheet indicates that the state allows an SB9 analysis to be included in housing elements.

<b>Table 3.2: Lot Sizes in Piedmont, 2007 (*)</b>				
Lot Area	Number of Lots	Percent of Total	Total acres	Percent of total
Smaller than 1,000	87	2.2%	0.4	0.1%
1,001 to 2,500 SF	49	1.2%	2.2	0.3%
2,501 to 4,000 SF	388	9.7%	31.8	4.0%
4,001 to 5,000 SF	679	16.9%	69.9	8.8%
5,001 to 6,000 SF	600	14.9%	76.1	9.6%
6,001 to 7,000 SF	592	14.7%	88.2	11.1%
7,001 to 8,000 SF	342	8.5%	58.9	7.4%
8,001 to 9,000 SF	220	5.5%	43	5.4%
9,001 to 10,000 SF	179	4.5%	39	4.9%
<i>Total smaller than 10K</i>	<i>3,136</i>	<i>78.1%</i>	<i>409.5</i>	<i>51.8%</i>
10,001 to 12,500	354	8.8%	90.4	11.4%
12,501 to 15,000	181	4.5%	57.2	7.2%
15,001 to 17,500	92	2.3%	34.2	4.3%
17,501 to 20,000	60	1.5%	26.2	3.3%
20,001 to 25,000	82	2.0%	41.2	5.2%
25,001 to 43,560	80	2.0%	60.6	7.7%
Greater than 43,560	31	0.8%	71.8	9.1%
<i>Total larger than 10K</i>	<i>880</i>	<i>21.9%</i>	<i>381.6</i>	<i>48.2%</i>
<b>GRAND TOTAL</b>	<b>4,016</b>	<b>100.0%</b>	<b>791.1</b>	<b>100.0%</b>

Source: Alameda County Assessor's Records, 2006. City of Piedmont, 2007

(\*) Excludes Piedmont Unified School District and most properties owned by City of Piedmont

“Housing Element Law. To utilize projections based on SB 9 toward a jurisdiction’s regional housing need allocation, the housing element must: 1) include a site-specific inventory of sites where SB 9 projections are being applied, 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute an impediment for additional residential use, 3) identify any governmental constraints to the use of SB 9 in the creation of units (including land use controls, fees, and other exactions, as well as locally adopted ordinances that impact the cost and supply of residential development), and 4) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9. Learn more on HCD’s Housing Elements webpage.”

5. Eliminate or modify the recommendation that the City Charter be reviewed.

The HE calls for a study of the City Charter on the development of affordable housing and potential action by City Council to modify the charter to eliminate the requirement for voter approval of zone changes. As housing targets were achieved in the 5<sup>th</sup> Cycle and are projected to be achieved (with 10% surplus) in the 6<sup>th</sup> Cycle, it seems premature to undertake that study during the next housing cycle, especially within the first year at the HE proposes. At the very least, propose that it be done 4 years into the next cycle by which time a better assessment can be made.

6. Add a table of all the 6<sup>th</sup> Cycle HE policies/programs to the document.

This is routinely done for large policy documents and there is an example in the HE (Table D-1 in Appendix D). The requirement that ADU be built with large additions, development of transitional housing in the residential zone, 24 foot ADU height and other examples are embedded throughout the document and are not easy find in one place.

7. Recommend that the City extend submitting the Housing Element until May 2023.

A recent statute extended the filing deadline for Housing Elements to May 2023. The City should take advantage of this and allow for more outreach and comments by the community. It will also give the City time to prepare the SB9 analysis I recommend in my comment.

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