City of Piedmont
COUNCIL AGENDA REPORT

DATE: June 20, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of a Resolution Authorizing Staff to Submit the Draft 6th Cycle City of Piedmont Housing Element to the California Department of Housing and Community Development (HCD) for Review and Certification

RECOMMENDATION

Move to approve the attached resolution authorizing City staff to submit the Draft 6th Cycle City of Piedmont Housing Element to the California Department of Housing and Community Development (HCD) for review and certification.

EXECUTIVE SUMMARY

This staff report recommends City Council direct staff to submit the Draft Housing Element, published April 8, 2022, to California HCD, with revisions recommended by the Planning Commission and City staff. The revisions are enumerated in the draft resolution included as Attachment B. The draft resolution, prepared consideration of the City Council and recommended by staff, includes six findings and ten amendments to the Draft Housing Element as recommended by the Planning Commission during its meeting on May 12, 2022. The recommended findings are as follows:

1. The public engagement conducted for the Draft Housing Element has successfully reached all segments of the Piedmont community, including residents in affected neighborhoods and people working, attending school, and visiting Piedmont from other areas.
2. The Draft Housing Element presents a reasonable and equitable approach to work with the private sector to enable the construction of new housing to meet the Regional Housing Needs Allocation of 587 new housing units in all income categories. Although not required by state law, the Draft Housing Element includes an additional 71 housing units beyond the 587 housing units required by the RHNA to ensure that the City reaches the RHNA goal.
3. The Draft Housing Element presents a thoughtful and careful consideration of the potential obstacles to growth in Piedmont and presents new policies and programs to remove or reduce these obstacles.
4. The Draft Housing Element utilizes a sufficient realistic capacity for growth projections by using an 80% cap on projected growth, resulting from Draft Housing Element policies and

programs, and by including a 12% buffer of surplus units above the RHNA of 587 housing units (71 housing units).

5. The Draft Housing Element affirmatively furthers fair housing by providing sites, policies, and programs that assure households of all incomes and social and racial backgrounds have access to high resources areas, economic and educational opportunities, and areas with low exposure to environmental hazards.
6. As outlined in the staff report and presentation, the Draft Housing Element complies with housing element law, as set forth in Government Code §§ 65302 and 65580, et seq.

The ten text revisions recommended by the Planning Commission are primarily clarifications of the text of the Draft Housing Element, as well as one recommended new housing program. If the revisions are accepted by the City Council, a new housing program (1.Q) would direct the City to consider development of a local density bonus ordinance that is inclusive of State of California density bonus incentives and considers local goals for affordable housing. An index of the Planning Commission recommended revisions is provided below. Substantive revisions are discussed in the Analysis section of this staff report.

Planning Commission Recommended Revisions

Revision #	Description
1	Clerical correction to the sites inventory, changing a site from pipeline project to vacant
2	Technical clarification to the sites inventory that 801 Magnolia Avenue has a proposed maximum density of 60 dwelling units and 275 Sandringham Road has a housing unit of 1
3	Technical clarification to B.2.5 describing the suitability of nonvacant sites.
4	Correction to Regional Resources section on page 24 of the Draft Element that the funds provided by Measure A1 are a low-interest loan
5	Revises the description of sustainability programs on page 32 of the Draft Element that Reach Codes apply to detached accessory dwelling units
6	Clarification of program 1.J SB 9 Facilitation Amendments that the program's goal is to encourage development of up to 4 units on single-family parcels
7	Technical clarification that ADUs required in new single-family development through program 1.E would only apply to properties of a certain size threshold
8	Revision to program 1.F and 1.L to better define the timeframes for implementation of these programs related to development on City-owned property
9	Adds new program 1.Q to develop a local density bonus to incentivize the development of affordable housing units
10	Revises program 3.E "Affordable Housing Fund" so that the fund would benefit all housing types

Since the May 12, 2022, Planning Commission meeting, City staff and consultants have continued to analyze the Draft Housing Element and incorporate ideas and concerns raised by Piedmont community members. In addition to the ten Planning Commission revisions, City staff and consultants recommend nine new revisions to the text and tables of the Draft Housing Element to incorporate suggestions from the community and clarify and improve the proposed new housing programs. Staff believes these revisions increase the possibility that the Draft Housing Element will be certified by HCD and will improve the successfulness of the proposed new housing programs. An index of the nine additional revisions is provided in the table below. Substantive revisions are discussed in the Analysis section of this staff report.

City Staff and Consultant Recommended Revisions

Revision #	Description
11	Clerical correction to available vacant parcels in the sites inventory, page B-18
12	1337 Grand Avenue (zone D) designated for affordable housing in the sites inventory. This reduces the minimum number of units at the Corporation Yard site and disperses identified affordable housing sites to the western part of the City. The property owner is not obligated to building affordable housing nor obligated to redevelop their property with housing.
13	The sites inventory is revised to decrease the planned housing units in the specific plan area to a minimum range of 92 to 160 housing units, reduced from the previously stated minimum of 132 housing units
14	Expands the area included in the proposed specific plan to include the Moraga Avenue right-of-way and Blair Park - all City-owned land in the area is considered
15	Amends Program 1.L to outline the goals for the Moraga Canyon specific plan
16	Revises Section B.2.3 (Appendix B) to better describe and establish realistic capacity for sites designated for multi-family housing in the sites inventory
17	Per Govt. Code Sec. 65583.2(h) and (i), a new housing program 1.R Lower-Income Sites Modifications to Address Shortfall
18	Revision in which Section F.2.1 is amended to include recently released data on fair housing services
19	Quantifiable Objectives Table IV-1 is revised to better project the number of housing units resulting from Housing Element programs

The City of Piedmont has conducted robust public engagement for the Housing Element update since March 2021. This report describes the revisions recommended by staff and highlights areas of particular community interest. Additional detail and the Draft Housing Element's compliance with State law is included in the Planning Commission staff report for the meeting on May 12, 2022, included as Attachment C. A slide presentation on June 20, 2022, will augment the information in this staff report and will be made available to the public.

BACKGROUND

Every 8 years, every city and county in California must update the Housing Element of their General Plan that is then certified by the California Department of Housing and Community Development (HCD). The 6th Housing Element cycle under State of California law covers the time period from 2023 to 2031 in the San Francisco Bay Area region. The Housing Element is a planning document to ensure that local agencies plan for an adequate number of housing units that are accessible to individuals at different income levels. An Executive Summary of the proposed Draft Housing Element is provided in pages 1 to 9 of the document.

State law does not require that jurisdictions *build* or *finance* new housing, but they must *plan* for it. It is in the community's Housing Element that local governments make decisions about where safe, accessible, and diverse housing could be developed to offer a mix of housing opportunities for a variety of household incomes. The Housing Element sets priorities and outlines strategies that can be implemented in the future by future City regulations. These new City regulations will be developed through subsequent public processes with public hearings and community engagement within the Housing Element planning period of 2023-2031.

In order to have a valid Housing Element, the City must adequately plan for the number of housing units specified by the Regional Housing Needs Allocation ("RHNA") mandated by the State. For this 6th cycle, the City's RHNA is 587 housing units. For context, the City's prior RHNAs set housing targets that were less than 100 housing units over the 8-year planning period. Thus, the RHNA mandated by the State for the 6th Housing Element cycle is unlike any of the RHNAs from prior cycles. The much higher RHNA for this 6th cycle requires the City to develop completely new and different housing programs. Because Piedmont's size and available land are so constrained, the City's housing programs must be more innovative than those in many other jurisdictions.

At its core, a Housing Element is a high-level policy document that broadly addresses a range of housing issues, such as affordability, design, housing types, density, and location, and establishes goals, policies, and programs to address existing and projected housing needs. The Housing Element must identify how – through the adoption of policies and programs – the City of Piedmont will meet its share of the region's housing need, called the RHNA. The Housing Element policies and programs are intended to enable possibilities for the development of housing. The Housing Element process is also an opportunity for a community conversation about how to address local housing challenges and find solutions. The Housing Element must be internally consistent with other parts of the General Plan and is critical to having a legally adequate General Plan.

On May 12, 2022, the Planning Commission held a public hearing, took public testimony, and adopted a resolution recommending that the City Council direct staff to send the Draft Housing Element to HCD for its 90-day review. The Planning Commission staff report is included as Attachment C, and the May 12, 2022, meeting minutes are included as Attachment D to this report.

Regional Housing Needs Allocation (RHNA)

Every city in California receives a RHNA number, which is a target number of homes to plan for at various income levels. RHNA starts with the Regional Housing Needs Determination (RHND) provided by HCD, which is the total number of housing units the San Francisco Bay Area region needs over the eight-year period, by income group. The Association of Bay Area Governments (ABAG) is tasked with developing the methodology to allocate a portion of housing needs to each city, town, and county in the region. The RHNA assignments for the City of Piedmont are outlined in Table SR-1, as follows:

Table SR-1

2023-2031 RHNA Allocation	
City of Piedmont	
Income Level	
VERY LOW INCOME (<50% of Area Median Income)	163
LOW INCOME (50-80% of Area Median Income)	94
MODERATE INCOME (80-120% of Area Median Income)	92
ABOVE MODERATE INCOME (>120% of Area Median Income)	238
TOTAL ALLOCATION	587

Penalties for Noncompliance

Jurisdictions face a number of consequences if they do not have a certified Housing Element by the May 2023 deadline. Under legislation enacted in recent years, if a city does not comply with State law, a court may limit local land use decision-making authority including the loss of the right to approve or deny certain projects. Additionally, a city without a certified Housing Element can face significant fines and litigation. In effect, if a city does not plan to accommodate new housing units and growth in their community, the State of California will decide how the growth will occur.

Conversely, an HCD-certified Housing Element makes cities eligible for numerous sources of funding and grants, such as Local Housing Allocations, Affordable Housing and Sustainable Communities Grants, SB 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Designation funding, Local Housing Trust Funds, and Regional Transportation Funds (such as MTC's OneBayArea Grants).

ANALYSIS

Organization of the Draft Housing Element

The Draft Housing Element begins with an executive summary on pages 1 to 9, including Table ES-1, a summary of resulting housing units from recommended Housing Element programs, excerpted below.

Table ES-1: Residential Development Potential and RHNA

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
RHNA	See Very Low	**163**	**94**	**92**	**238**	**587**
ADUs	See Very Low	7	42	70	21	**140**
Approved/Entitled Projects	-	-	-	-	1	**1**
Site Inventory[1,2]	211[3]			81	225	**517**
Total Capacity	**260**			**151**	**247**	**658**
Surplus	3			59	9	**71**

Source: City of Piedmont, LWC
1. See Table B-9 in Appendix B for the complete inventory
2. See Section B.3.1 in Appendix B for information on the Specific Plan
3. For calculation purposes, extremely low, very low, and low income totals were grouped.

The executive summary is followed by four sections:

I. Introduction
II. Projected Housing Need
III. Housing Resources
IV. Housing Plan: Goals, Policies, and Programs

Within Section IV (Housing Plan: Goals, Policies and Programs), the City had developed aspirational goals, purpose statements, policies, or programs for the following seven topic areas:

1. New Housing Construction
2. Housing Conservation
3. Affordable Housing Opportunities
4. Elimination of Housing Constraints
5. Special Needs Populations
6. Sustainability and Energy
7. Equal Access to Housing

In order to implement the goals in these seven areas, the Draft Housing Element includes 56 policies and 64 programs. The Planning Commission staff report prepared for the May 12, 2022, meeting includes an index or list of all of the new policies and programs in the published Draft Housing Element on pages 16 to 19. The May 12, 2022, Planning Commission staff report and attachments are included as Attachment C to this report and available at the following link: https://www.piedmontishome.org/event/planning-commission-meeting-1

There are six technical appendices that provide analysis of housing law, demographics, and other issues in greater detail, including:

Appendix A, demographics data and analysis;
Appendix B, an analysis of sites and capacity in Piedmont (the sites inventory);
Appendix C, constraints analysis;
Appendix D, evaluation of the 2015-2023 Housing Element;
Appendix E, the public engagement report; and
Appendix F, an analysis of compliance with AB 686 and goals to affirmatively further fair housing in Piedmont

Draft Resolution and Recommended Revisions

City staff has prepared a draft resolution for the consideration of the City Council. The draft resolution includes 19 proposed revisions to the Draft Housing Element. Of the ten revisions recommended by the Planning Commission, six are corrections of clerical errors or technical clarifications. The four substantive revisions, recommended for adoption by the Planning Commission, are summarized below:

#7. The Planning Commission recommended a substantive revision to New Housing Program 1.E, Require ADUs for New Single-Family Residence Construction, to establish a policy for the size of property subject to a requirement to build an ADU with the construction of a new residence. The Planning Commission expressed a concern that very small lots would not have space to construct an ADU in addition to a new residence. As recommended by the Planning Commission, Program 1.E, Require ADUs for New Single-Family Residence Construction shall be revised to read as follows (change shown in bold and underlined font):

> " In order to increase the production of ADUs, the City will amend the Zoning Ordinance to require the construction of an ADU or JADU with the construction of a new residence, whether on vacant property or on any property that is proposed to be redeveloped, **when the property meets certain size thresholds to be established in the implementing ordinance.** …"

#8. The Planning Commission recommended a substantive revision to new housing programs 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan, to clarify the priority, or lack thereof, for sites in the sites inventory for timing of implementation and the possible use of Measure A-1 funds. The Commission recommended the sites be considered concurrently and that the City Council not wait for completion of the proposed specific plan in program 1.L to implement programs to enable affordable housing on publicly owned land. Consistent with this direction, City staff recommend the following revisions to programs 1.F and 1.L. (changes in underlined and bold font):

> Page 38, Program 1. F, Increase Allowances for Housing in Zone B, Timeframe:
> • Zoning amendment completed within 3 years of Housing Element adoption.
> • **Begin developing goals for City-owned properties in 2023 as a first step towards development of affordable housing on City-owned sites.**
>
> Pages 41 to 42, Program 1.L, the Specific Plan, Timeframe:
> • Apply for **available** grant funding and issue RFP for **specific plan** by end of **2025**.
> • Begin Surplus Land declaration early 2024.
> • Prepare specific plan **with the goal of completion** by **the end of 2026**.
> • Adopt specific plan, General Plan amendments (See Program 1.P), and associated development standards by **the end of 2026**.
> - **Pursue** goal of entering into exclusive negotiating agreement with development partners by **the end of** 2026.

#9. The Planning Commission recommended a substantive revision to create the following new housing programs, 1.Q: **New Housing Program 1.Q – Density Bonus Ordinance.**

Consider development of a local density bonus ordinance that is inclusive of State of California density bonus incentives and considers local goals for affordable housing above the minimum requirements of State density bonus law.

#10. The Planning Commission recommended a substantive revision to new housing program 3.E, Affordable Housing Fund (page 50), to provide additional flexibility in the types of programs funded by a future Piedmont Affordable Housing Fund to read as follows (changes shown in bold and underlined font).

> "The City will create a Piedmont affordable housing fund to receive philanthropic donations, in-lieu fees, and other sources of funding. These funds could be used for affordable housing programs including a loan program for ADUs with Habitat for Humanity **or other programs for other affordable housing types.** The affordable housing fund could be administered by a non-profit affordable housing developer, such as Habitat for Humanity **or other entity**, to make low-interest loans (e.g., 4% interest rate) available to low or moderate-income property owners (e.g., up to $135,650 for a household of three people), with a focus on members of protected classes. Loans **could** be made available for the construction of new ADUs, ~~and~~ Junior ADUs, **and/or other small housing units** with occupancy restricted to very-low-income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents **for a minimum period of 15 years**.
>
> The City is targeting supporting approximately **10** new income-restricted ADUs and/or Junior ADUs (JADUs) **or other housing types** during the planning period. The Program could be extended to property owners with above moderate incomes with additional funding sources, such as fund-raising efforts, philanthropic contributions, or grant funding.
>
> - Objective: Investigate Affordable Housing Fund for the construction of new ADUs and Junior ADUs **and other affordable housing types** with occupancy restricted to very-low-income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents for a **minimum** period of 15 years.
> - Timeframe: Meet with City Council in 2022 to discuss potential risks and opportunities.
> - Responsible Agency: Planning & Building Department, City Council.

Subsequent Revisions Recommended by Staff

In addition to the revisions and clarifications recommended by the Planning Commission, City staff and consultants recommend nine additional revisions included in the draft resolution because they incorporate the suggestions of the Piedmont community and increase the likelihood that the Draft Housing Element will be certified by HCD. Of the nine revisions, seven revisions are substantive and are discussed below:

#12. Change Affordability Category at 1337 Grand Avenue - City staff and consultants recommend a substantive change to the sites inventory, starting on page B-17 of Appendix B. This report recommends that the City Council direct staff to change the affordability category for the 40 potential housing units at 1337 Grand Avenue (APN 050455801502) from market-rate to a mix of commercial uses and housing units affordable to low and very low incomes. This change is consistent with standards established by HCD and State law (AB 2348 and others). The property owner is not obligated to develop affordable housing nor obligated to

redevelop their property. The Housing Element enables development to occur at any affordability level desired by the property owner.

#13. Decrease the Minimum Planned Housing Units in the Specific Plan from 132 to 92
Within the sites inventory (starting on page 41 and page B-13), the Draft Housing Element describes the City's proposal to prepare a specific plan for the area of the Public Works Corporation Yard at 898 Red Rock Road to accommodate new housing development, incorporate existing amenities, and modernize current city functions. Specific plans are regulated by Government Code Sections 65450 et. seq. A specific plan must include a text and a land diagram or diagrams which specify all of the following in detail:

i. The distribution, location, and extent of the uses of land, including open space, within the land area covered by the plan.

ii. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities, proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

iii. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

iv. A program of implementation measures including regulations, programs, public works projects, and financing measures, such as development fees, necessary to carry out paragraphs (1), (2), and (3).

A specific plan includes a study of the issues enumerated above, and once adopted by a city, all future regulation of the specific plan area must be in conformance with it.

The Draft Housing Element reviewed by the Planning Commission on May 12, 2022, identifies a mixture of affordability levels for the Corporation Yard specific plan site, consisting of 100 new housing units affordable to households with low and very-low incomes, located along the frontage on Moraga Avenue, and 32 market-rate units on the hillside above the Public Works offices and storage facilities. However, the goal of constructing 132 housing units in this area may not be feasible due to the constraints and hazards described in public comments received by staff.

By moving some affordable housing units to 1337 Grand Avenue in the sites inventory, described in item 12 above, the sites inventory, starting on page B-17 of Appendix B, could be revised to decrease the planned housing units in the specific plan area to a minimum range of 92 housing units, reduced from the previously stated minimum of 132.

A minimum of 60 units in the specific plan area would be specified for low and very-low residents and 32 units for moderate and above market rate units. Decreasing the minimum unit count in the specific plan area by 40 units could increase the likelihood of a successful specific plan in Moraga Canyon.

#14. Expand Specific Plan Study Area to Include Blair Park - City staff and consultants recommend a substantive change to the sites inventory to expand the area of the Corporation Yard specific plan, with associated changes to new housing program 1.L, Specific Plan. The sites inventory discussion, starting on page B-17 of Appendix B, would be revised to expand

the specific plan study area to include City-owned land named Blair Park and the entirety of Moraga Avenue public right-of-way from Highland Avenue to the northern limit of the City border.

The specific plan approach, outlined in housing program 1.L, would give the City the opportunity to study the future transportation and circulation system in the area; study the public infrastructure needs, such as any roadways, bridges, utilities, and evacuation routes; and design solutions to potential environmental impacts, such as wildfire mitigations and safe emergency response. A key takeaway is that all of the City-owned land in Moraga Canyon would be studied together in order to improve access, build new housing, address potential hazards, and improve City facilities, while conserving open space and recreational amenities. Staff believes this approach results in a more comprehensive and integrated approach to land use and emergency preparedness planning in Moraga Canyon.

If this revision is adopted by City Council, Blair Park would still continue to be named as an alternate site in the sites inventory discussion. The identification of an alternate site was made on the guidance of HCD staff. It is meant to ensure that the City pursues the specific plan within the Housing Element planning period and that the City has a back-up plan in place, if needed.

#15. Add Goals to Proposed Specific Plan Study - City staff and consultants recommend a substantive change to the text describing the planned specific plan area in New Housing Program 1.L (page 41) to include high-level goals. These goals are recommended to outline the issues that must be addressed in the development of the future specific plan, as shown below (new text in bold and underlined font).

> **“The goals of the specific plan are as follows. The first goal is to enable construction of housing in the range of 92 to 160 units, on portions of the site totaling approximately 3.5 acres of land, yielding a minimum of 60 to 100 units of housing affordable to households earning less than 80% of the area median income (AMI) and 32 units affordable to households more than 80% of the AMI.**
>
> **In addition, specific plan goals include improved safety. New habitable structures shall be built to meet fire code requirements for Wildland Urban Interface Areas.**
>
> **The specific plan must include replacement and/or modernization of existing Public Works Department facilities, offices, storage areas, vehicle storage areas, etc. so that service capacity is maintained or increased, and so that the facilities meet current building and fire code requirements.**
>
> **The specific plan must include recreation facilities, including but not limited to a skatepark and an athletic field which incorporates a regulation size soccer field as well as a baseball/softball diamond.**
>
> **The specific plan must provide all public utilities to new housing and all City facilities to be constructed within the specific plan area in a manner**

consistent with public safety standards and Piedmont Climate Action Plan goals and programs.

The specific plan must include improvements to pedestrian and vehicular circulation, as determined necessary by the City Engineer to provide safe pedestrian, bicycle, and motor vehicle movements, ensure safe evacuation routes, and ensure optimal emergency response.

The goals of the specific plan include a comprehensive landscape plan for areas planned for development. The landscape plan shall prioritize to the extent practicable: fire safety; and the preservation of significant open space, scenic views, and native and heritage trees."

#17. Program to Address Affordable Housing in Short-term - City staff and consultants recommend the following approach to address requirements for affordable housing in the short-term in compliance with State law. In order to address a possible shortfall of adequate sites to accommodate the housing units specified to meet the low and very-low income RHNA pursuant to Government Code 65583.2, subdivision (h) and (i) during the time period in which the City undertakes necessary zoning amendments to increase permitted density in Zone B, the Draft Housing Element would be revised prior to submission to California HCD to include a new housing program in Section IV (page 44). Section IV, Housing Plan, of the Housing Element would be updated to include a new program, Program 1.S, under Goal 1, "New Housing Construction" to read as follows:

Program 1.R Lower-Income Sites Modifications to Address Shortfall. Consistent with California Government Code Section 65583.2(h) and (i), lower-income sites identified for zoning amendments in the Site Inventory will also be modified to:

- **Allow owner-occupied and rental multi-family use by-right for developments in which 20 percent or more of the units are affordable to lower-income households;**
- **Accommodate a minimum of 16 units per site;**
- **Establish a minimum density of 20 units per acre; and**
- **Require residential use occupancy of at least 50 percent of the total floor area of any mixed-use project on these sites.**
- **Objective: Accommodate the lower income shortfall as required by Government Code Section 65583.2(h) and (i).**
- **Timeframe: Amend the Zoning Ordinance as described above by early 2024.**
- **Responsible Agency: Planning and Building Department, City Council.**

#18. Fair Housing Outreach and Enforcement - The City of Piedmont actively works to eliminate possible racism and discrimination in City policies, laws, and behaviors in government and in the community. Staff recommends a clarification to the text and Appendix F of the Draft Housing Element. The Draft Housing Element would be revised prior to submission to California HCD to reflect additional data received after release of

the Housing Element in April 2022. Section F.2.1 of the Public Review Draft Housing Element, titled "Fair Housing Outreach and Enforcement" (page F-3) would be amended to read in part (proposed edit in bold and underlined):

> The Eden Council for Hope and Opportunity (ECHO Housing) provides fair housing services to urban and unincorporated areas of Alameda County. Equal housing access is their primary service component. According to 2019 ECHO Housing data, Piedmont accounted for less than one percent of alleged housing discrimination complaints from 2015 to 2019 with most complaints occurring in Oakland followed by the City of Alameda during this time. These complaints within the County were mostly related to the protected classification of disability at about 37 percent, next was the protected classification of race at about 31 percent, the category of "Other" at approximately 15 percent, and the classification of familial status was fourth at about 7 percent. **According to ECHO Housing, Piedmont had one fair housing complaint from 2016-2021 (a disability complaint in 2021), which resulted in education being provided to the landlord to settle the matter. No attorney was needed for resolution of the complaint in question.**

#19. Revise Quantifiable Objectives - City staff and consultant recommend a substantive revision to the Draft Housing Element regarding quantifiable objectives. Quantifiable objectives are separate and distinct from the consideration of the sites inventory. Quantifiable objectives are not used to satisfy the RHNA. Only the sites inventory can be relied upon to satisfy the RHNA. It is an opportunity to set benchmarks for the City to evaluate the effectiveness of new housing programs. There is no legal requirement that a city's quantifiable objective match the RHNA.

Staff recommends amending Section IV of the Draft Housing Element, Quantifiable Objectives, to enumerate the planned number of housing units associated with new housing programs. The intention is to provide the City Council with benchmarks to evaluate the success of housing programs in the future.

As recommended by staff and included in the draft resolution, the Draft Housing Element would be revised prior to submission to California HCD to expand the quantifiable objectives in part IV.B and Table IV-I, according to the income categories in the RHNA. The City would modify Section IV, Housing Plan, of the Public Review Draft Housing Element (pgs. 35 to 77) to replace the existing Table IV-1 published in the Draft Housing Element with quantified objectives for certain programs, as identified in the table below:

Revised Table IV-1: Quantified Objectives

Program #	Program Name	Quantified Objective						Notes
		Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	
1.B	Market-rate ADUs				45	45	90	
1.D	Religious Affiliated Housing			15	15		30	
1.E	Inclusionary ADUs				10		10	
1.F	Zoning Amendments Zone B	25	25	15	15		80	
1.G	Zoning Amendments Zone C					15	15	
1.H	Zoning Amendments Zone D	5	20	20	20	20	85	
1.J	Implementation SB 9				20	20	40	
1.L	Specific Plan	20	20	20	16	16	92	
1.M	Mobile and Manufactured Homes					5	5	
2.A	CDBG Rehabilitation			4	4		8	
3.B	Legalize Unpermitted ADUs				17		17	
3.D	ADU Missed Opportunities				10		10	
3.E	Affordable Housing Fund	2	3	5			10	
3.F	Incentives Affordable ADUs	5	30				35	
4.M	Objective Design Standards	10	15	15	10		50	
5.H	Single-Room Occupancy	5	5				10	
5.K	Supportive Housing	3	3				5	
Total		75	121	94	182	121	593	

COMMUNITY ENGAGEMENT AND PUBLIC COMMENT

Community engagement for the Draft Housing Element has been robust and critical to development of the Draft Housing Element over the past 15 months. Piedmont residents, property owners, business owners, and workers all contributed to the development of 6th Cycle Housing Element goals, policies, and programs.

In March 2021, the City launched a citywide mailing, the Fair Housing Community Survey, and an online, interactive pinnable mapping tool, hosted on Social Pinpoint software. Response to the survey and mapping tool consisted of 877 survey participants and 90 map comments. Also in March, the City launched a Piedmont fair housing website at https://Piedmontishome.org. The City

Council-appointed Housing Advisory Committee began meeting regularly in April 2021. Public engagement in 2021 included enthusiastic community participation in stakeholder interviews in July, pop-up information tables at local events in September, a joint Planning Commission-Housing Advisory Committee meeting in September, and the first Housing Element Community Workshop in December.

In 2022, new public engagement strategies included direct correspondence with the owners of potential sites, the second Housing Element Community Workshop in March, installation of 30 banners on City streetlights, the launch of the online Piedmont Housing Puzzle tool (Balancing Act software), a Housing Advisory Committee meeting on April 19, Park Commission meeting on May 4, Planning Commission meeting on May 12, Recreation Commission meeting on May 18, and a virtual Housing Element Town Hall meeting on June 7.

On April 8, 2022, staff published the Draft Housing Element to the homepages of the City of Piedmont website and the Housing Element update website, Piedmontishome.org. All public comments received on or before March 24, 2022, are included in the Draft Housing Element Appendix E. All public comments and ideas received by staff since the Housing Element Community Workshop on March 24, 2022, leading up to and including May 18, 2022, have been compiled and included as Attachment F of this staff report. Correspondence received on May 19, 2022, up to an including June 16, 2022, is included as Attachment G.

Since the Draft was released on April 8, there have been four opportunities for the community to comment on the Draft Housing Element in public meetings:

- April 19 Piedmont Housing Advisory Committee
- May 4 Park Commission
- May 12 Planning Commission
- May 18 Recreation Commission

In addition, staff held a virtual Housing Element Town Hall Q & A on June 7, 2022, in order to address frequently asked questions. A summary of these meetings is included in Attachment E. For the purposes of making the staff report concise and to share Housing Element information broadly, the presentations, staff reports, recordings, and public comment for each of these meetings is readily available on the Get Involved page at Piedmontishome.org.

As a result of the broad public engagement conducted by the City for the Housing Element, the City received hundreds of thoughtful comments and suggestions from members of the Piedmont community. The City has prepared additional analysis of issues that have been raised in public comments, including responses from City staff and consultants. Many of the revisions to the Draft Housing Element recommended in this staff report are the result of perspectives, ideas, comments, and concerns expressed by members of the public. This analysis of public comments is included as Attachment I, entitled **Topics of Community Interest**.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Due to the anticipated physical changes from the City's response to the Regional Housing Needs Allocation of 587 housing units that was determined by the Association of Bay Area Governments (ABAG), the City has contracted with Rincon Consultants, Inc. to prepare an Environmental

Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The scope of the EIR is comprehensive, including analysis of all the potential environmental impacts listed in Appendix G of the CEQA Guidelines. These potential impacts include but are not limited to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Land Use and Planning, Population and Housing, Public Services and Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated "No Project Alternative" and other potential alternatives that may be capable of reducing or avoiding potential environmental effects while meeting most of the basic objectives of the project. In addition, the EIR will address cumulative impacts, growth inducing impacts, and other issues required by CEQA.

A Draft EIR is expected to be considered in public meetings later this year concurrent with final adoption of the Housing Element (after receiving feedback from HCD). Because the RHNA is applied to Piedmont regardless of potential impacts, this Housing Element Update has analyzed best practices for housing programs used in neighboring jurisdictions and statewide and analyzed available land resources (sites) that meet State law criteria, first. The environmental review being conducted for the EIR will study the impacts of these housing programs and of development or redevelopment of these sites. Then the EIR will recommended appropriate mitigation measures to reduce or eliminate potential impacts.

CONCLUSION

The Draft 6th Cycle Piedmont Housing Element for 2023 to 2031, represents a significant investment of time and resources of City decision-makers, staff, and the hundreds of community members who have participated in public meetings, community workshops, surveys, comment letters, and online planning tools. This investment in a thoughtful, inclusive, and open planning process is critical to development of an optimal housing plan for Piedmont. Thoughtful planning can reduce potential harm and transform growth into a benefit for the community. Staff recommends that the City Council authorize staff to send the draft Housing Element to California Department of Housing and Community Development for review with 19 revisions outlined in the attached resolution.

ATTACHMENTS

A	*Online*	Draft 6th Cycle Piedmont Housing Element https://www.piedmont.ca.gov/government/city_news___notifications/draft_housing_element_released
B	Pages 17 - 27	Draft City Council Resolution
C	Pages 29 - 47	May 12, 2022, Planning Commission Staff Report, and attachments
D	Pages 49 - 65	May 12, 2022, Planning Commission Meeting Minutes
E	Pages 67 - 104	Public Meeting Summaries

F	Pages 105–205	Public Correspondence Received March 24, 2022, to May 18, 2022
G	Pages 207-217	Public Correspondence Received May 19, 2022, to June 16, 2022
H	Pages 219-220	Fair Housing Outreach and Enforcement Report, prepared by Urban Planning Partners
I	Pages 221-233	Topics of Community Interest

RESOLUTION No.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT AUTHORIZING STAFF TO SUBMIT THE CITY OF PIEDMONT'S SIXTH CYCLE DRAFT HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITYDEVELOPMENT FOR REVIEW AND CERTIFICATION

WHEREAS, enacted in 1969, the State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires all cities and counties in California to prepare detailed plans to meet the housing needs of everyone in the community, and requires cities and counties to obtain California Department of Housing and Community Development (CA HCD) certification of each Housing Element; and

WHEREAS, Piedmont's prior Housing Element was last certified by CA HCD in 2014, and Government Code section 65588 requires local agencies to update their housing element at least every eight years; and

WHEREAS, in February 2021, the City Council established a Housing Advisory Committee to provide feedback on fair housing issues and on the conduct of the next Housing Element update; and

WHEREAS, the Association of Bay Area Governments (ABAG) adopted a final methodology and Regional Housing Needs Allocation (RHNA) for every local government in the Bay Area Region in May 2021, and the RHNA assigned to Piedmont was 587 new housing units across various income categories; and

WHEREAS, on May 3, 2021, the City Council approved a contract with Lisa Wise Consulting, Inc. (LWC), to prepare the next Housing Element update in conformance with State of California 6th housing element cycle requirements, and in July 2021, LWC representatives began stakeholder interviews; and

WHEREAS, the City has undertaken an innovative and robust public engagement process, using a wide variety of media and formats, in support of the Housing Element update process; and

WHEREAS, in March 2021, City of Piedmont launched a citywide Fair Housing Community Survey, a citywide postcard mailing, an interactive pinnable mapping tool (Social Pinpoint software), and Piedmontishome.org, a fair housing website and clearinghouse for Housing Element information, updates, and resources for community members; and

WHEREAS, in September 2021, the Planning Commission and the Housing Advisory Committee held a joint meeting to receive information about the requirements for Housing Elements and fair housing law, in September 2021, City decision-makers and staff participated in person at Piedmont community events to increase public awareness of the Housing Element process, and City staff

hosted the Housing Element Community Workshop #1 on December 2, 2021, at which 80 people attended; and

WHEREAS, public engagement continued in 2022, as follows: in March 2022, the City installed 30 publicity banners for the Housing Element update on Grand Avenue, Highland Avenue, and Moraga Avenue with Piedmontishome.org website information and text inviting the broader Piedmont community to participate in the Housing Element update; and a few days later, the City hosted the second Housing Element Community Workshop #2, at which the City launched the web-based Piedmont Housing Puzzle, a community planning tool with opportunities to comment on potential sites and allocate the RHNA housing units to selected sites and at various residential densities, and at which 73 people attended; and

WHEREAS, public engagement conducted for the Housing Element update has included regular news stories in local media, email newsletters to over 4,000 email subscribers, emails to the School District employees and City employees (Piedmont's largest employers), correspondence with Piedmont religious institutions, meetings with property owners in Zones A, B, C, and D, regular updates at public meetings of the Planning Commission, and posters at local businesses; and

WHEREAS, on April 8, 2022, the Draft 6th Cycle Piedmont Housing Element ("Draft Housing Element") was published to the City of Piedmont homepage and the City's housing website, Piedmontishome.org; and

WHEREAS, on March 15 and April 19, 2022, the Housing Advisory Committee met to consider the progress of the Draft Housing Element; and

WHEREAS, on May 4, 2022, City staff and the consultant team presented the Draft Housing Element at a regular meeting of the Park Commission, and on May 18, 2022, City staff and the consultant team presented the Draft Housing Element at a regular meeting of the Recreation Commission; and

WHEREAS, on May 12, 2022, the Planning Commission held a special public meeting to consider a recommendation to the City Council for the Draft Housing Element, and the Commission received a presentation by staff and the consultant team, received written and verbal public comment provided before and at the meeting, and at the conclusion of the meeting adopted a motion recommending City Council authorize staff to send the Draft Housing Element to California Housing and Community Development for its review, as well as recommending revisions to the text of the Draft Housing Element; and

WHEREAS, on June 7, 2022, City staff hosted a virtual public forum, called the Housing Element Town Hall, to answer questions and take public comment on the Draft Housing Element; and

WHEREAS, due to the physical changes anticipated by the City's draft new housing policies and programs planned in the Draft Housing Element in order to satisfy the Regional Housing Needs Allocation (RHNA) of 587 new housing units by 2031, as determined by the Association of Bay Area Governments (ABAG), the City has begun the preparation of an Environmental Impact

Report (EIR) pursuant to the California Environmental Quality Act (CEQA) that will study comprehensive potential environmental impacts of the Draft Housing Element; and

WHEREAS, the City Council considered the Draft Housing Element at a regular meeting on June 20, 2022, received a report by staff and the consultant team, and received written and verbal public comment from members of the Piedmont community, and, after reviewing the report, presentation, and any and all testimony and documentation submitted in connection with public comment, the Piedmont City Council finds:

1. The public engagement conducted for the Draft Housing Element has successfully reached all segments of the Piedmont community, including residents in affected neighborhoods and people working, attending school, and visiting Piedmont from other areas.

2. The Draft Housing Element presents a reasonable and equitable approach to work with the private sector to enable the construction of new housing to meet the Regional Housing Needs Allocation of 587 new housing units in all income categories. The Draft Housing Element includes an additional 71 housing units beyond the 587 housing units required by the RHNA to ensure that the City reaches the RHNA goal.

3. The Draft Housing Element presents a thoughtful and careful consideration of the potential obstacles to growth in Piedmont and presents new policies and programs to remove or reduce these obstacles.

4. The Draft Housing Element utilizes a sufficient realistic capacity for growth projections by using an 80% cap on projected growth, resulting from Draft Housing Element policies and programs, and by including a 12% buffer of surplus units above the RHNA of 587 housing units (71 housing units).

5. The Draft Housing Element affirmatively furthers fair housing by providing sites, policies, and programs that assure households of all incomes and social and racial backgrounds have access to high resources areas, economic and educational opportunities, and areas with low exposure to environmental hazards.

6. As outlined in the staff report and presentation, the Draft Housing Element complies with housing element law, as set forth in Government Code §§ 65302 and 65580, et seq.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. The Piedmont City Council incorporates the findings set forth in this Resolution and authorizes staff to submit the Draft Housing Element with the revisions delineated in Section 2 of this resolution to the California Department of Housing and Community Development (CA HCD) for its review.

SECTION 2. The City Council directs staff to incorporate the following revisions into the Draft Housing Element prior to its submission to CA HCD as follows:

1. As described on pages B-4 and B-5 of Appendix B of the Draft Housing Element, the new residence proposed for 139 Lexford Road will not be included in the category of pipeline projects and instead will be included in the vacant land inventory due to the expiration of the building permit for the prior approved residence.

2. Table B-9: Draft 6th Cycle Housing Element Sites Inventory by Income Category on page B-21 of Appendix B of the Draft Housing Element shall be revised to correctly identify a proposed maximum density of 60 dwelling units per acre for 801 Magnolia Avenue as this site is in Zone B. The resulting maximum capacity is 18 moderate-income dwelling units with a realistic capacity of 13 moderate-income dwelling units. In addition, Table B-9 shall be revised to correctly identify a proposed maximum unit count of 1 housing unit affordable to households earning above moderate income for the site owned by PG&E on Sandringham Road, instead of 4 housing units.

3. The description of properties included in the sites inventory for the low and very low income category, as described in part B.2.5, page B-8 of Appendix B of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font),

   "B.2.5 Suitability of Nonvacant Sites

   Since residential land in Piedmont is generally built out, the sites inventory includes nonvacant sites. Nonvacant sites are relied on to accommodate more than 50 percent of the City's lower income RHNA. Therefore, the City conducted an analysis to determine if substantial evidence exists to support the premise that housing can be accommodated on these sites and/or existing uses on these sites will be discontinued during the planning period (2023-2031). Nonvacant parcels primarily include **relatively large properties (over 0.5 acres) irrespective of current use**, underutilized sites with surface parking and commercial buildings where the existing uses are of marginal economic viability, or the structures are at or near the end of their useful life. Screening for potential sites considered market conditions and recent development trends throughout the Bay Area and the State and utilized conservative assumptions in projecting units well below observed densities for residential and mixed-use projects."

4. The Regional Resources information on page 24 of the Draft Housing Element will be revised to read as follows (changes shown in bold and underlined font):

   "**Regional Resources - Alameda County**

   • **Measure A1**: Measure A1 is a **low-interest loan** program funded through a countywide parcel tax and administered by the Alameda County Department of Housing and Community Development (Alameda HCD). In 2016, Alameda County residents voted to adopt Measure A1, a $580 million property tax revenue bond for affordable housing. The City's Measure A-1 allocation ($2.2 million) project application was originally set to be approved by the County of Alameda by December 31, 2021, with the funds be spent within 5 years after the application is approved. **City staff have received an extension of the application deadline to December 2024."**

5. The description of sustainability programs on page 32 of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font)

   "An implementing policy of CAP 2.0 is to monitor effectiveness of policies on greenhouse gas (GHG) emissions. The GHG inventory was last updated in 2021. Piedmont's municipal and residential accounts were enrolled into EBCE's 100% renewable energy plan in November of 2018. The City and its residents being enrolled into a 100% renewable energy plan helps to reduce GHGs emissions the City produces; therefore, making significant steps towards reaching the CAP 2.0 objectives. The City of Piedmont has adopted Reach Codes which require all new **detached** dwelling units to be electric and requires energy improvements at certain building permit cost and size thresholds. Other conservation programs available on a regional, State, and federal level are described below**."**

6. The description of program 1.J, SB 9 Facilitation Amendments, on page 40 of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font):

   "**1.J SB 9 Facilitation Amendments**

   Senate Bill (SB) 9, adopted in 2021, requires proposed housing developments containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain criteria. SB 9 also requires local agencies to ministerially approve a parcel map for an urban lot split subject to certain criteria. **The goals of the City's program to implement SB 9 are to encourage development of up to four units in single-family zoning districts like Piedmont's Zone A and Zone E.**"

7. New Housing Program 1.E, Require ADUs for New Single-Family Residence Construction, shall be revised to read as follows (change shown in bold and underlined font):

   " In order to increase the production of ADUs, the City will amend the Zoning Ordinance to require the construction of an ADU or JADU with the construction of a new residence, whether on vacant property or on any property that is proposed to be redeveloped, **when the property meets certain size thresholds to be established in the implementing ordinance.** As part of the Program, the City will study and develop an alternative which will allow an in-lieu fee to fund City affordable housing programs, including Programs 3.E and 3.F…"

8. Draft Housing Element program 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan, shall be revised to clarify the priority, or lack thereof, for sites in the sites inventory for timing of implementation and the use of Measure A-1 funds. The City shall consider the sites concurrently and the City will not wait for completion of the proposed specific plan in program 1.L to implement programs to enable affordable housing on

publicly owned land. The implementation of programs 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan, shall be revised to have the following timelines (changes in underlined and bold font):

Page 38, Program 1. F, Increase Allowances for Housing in Zone B, Timeframe:
• Zoning amendment completed within 3 years of Housing Element adoption.
• **Begin developing goals for City-owned properties in 2023 as a first step towards development of affordable housing on City-owned sites.**

Pages 41 to 42, Program 1.L, the Specific Plan, Timeframe:
• Apply for **available** grant funding and issue RFP for **specific plan** by end of **2025**.
• Begin Surplus Land declaration early 2024.
• Prepare specific plan **with the goal of completion** by **the end of 2026**.
• Adopt specific plan, General Plan amendments (See Program 1.P), and associated development standards by **the end of 2026**
• **Pursue** goal of entering into exclusive negotiating agreement with development partners by **the end of** 2026.

9. **New Housing Program 1.Q – Density Bonus Ordinance. Consider development of a local density bonus ordinance that is inclusive of State of California density bonus incentives and considers local goals for affordable housing above the minimum requirements of State density bonus law.**

10. Program 3.E, Affordable Housing Fund, will be revised to read as follows (changes shown in bold and underlined text):

"The City will create a Piedmont affordable housing fund to receive philanthropic donations, in-lieu fees, and other sources of funding. These funds could be used for affordable housing programs including a loan program for ADUs with Habitat for Humanity **or other programs for other affordable housing types.** The affordable housing fund could be administered by a non-profit affordable housing developer, such as Habitat for Humanity **or other entity**, to make low-interest loans (e.g., 4% interest rate) available to low or moderate-income property owners (e.g., up to $135,650 for a household of three people), with a focus on members of protected classes. Loans **could** be made available for the construction of new ADUs, ~~and~~ Junior ADUs, **and/or other small housing units** with occupancy restricted to very-low-income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents **for a minimum period of 15 years**.

The City is targeting supporting approximately **10** new income-restricted ADUs and/or Junior ADUs (JADUs) **or other housing types** during the planning period. The Program could be extended to property owners with above moderate incomes with additional funding sources, such as fund-raising efforts, philanthropic contributions, or grant funding.
• Objective: Investigate Affordable Housing Fund for the construction of new ADUs and Junior ADUs **and other affordable housing types** with occupancy restricted to very-low-

income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents for a **minimum** period of 15 years.
• Timeframe: Meet with City Council in 2022 to discuss potential risks and opportunities.
• Responsible Agency: Planning & Building Department, City Council.

11. The site inventory shall be amended to correct the information regarding the four parcels that are part of the 280 Indian Road estate (i.e., 051-479700203, 051-479100206, 051-479101200 and 051-479101300). The parcels were reconfigured in 2004 with new parcel numbers and the largest of the parcels was developed with a single family residence. The three vacant parcels that should remain on the sites inventory have the following assessor parcel numbers: **051-482800703; 051-482801003; and 051-482800904**. Each of these parcels continues to be specified for one housing unit in the above-moderate income category.

12. The sites inventory, starting on page B-17 of Appendix B, shall be amended to change the affordability category for the 40 potential housing units at 1337 Grand Avenue (APN 050455801502) from market-rate to a mix of commercial uses and housing units affordable to low and very low incomes. This change is consistent with standards established by HCD and with AB 2348. The property owner is not obligated to develop affordable housing nor obligated to redevelop their property. The Housing Element enables development to occur at any affordability level desired by a property owner.

13. Due to the modification to the affordability of sites at 1337 Grand Avenue in the sites inventory, the sites inventory, starting on page B-17 of Appendix B, shall be revised to decrease the planned yield of the planned specific plan area which includes the Corporation Yard to a minimum range of 92 to 160 housing units from the previously stated 132. A minimum of 60 units in the specific plan area shall be specified for low and very-low residents and 32 units for moderate and above market rate units.

14. The sites inventory, starting on page B-17 of Appendix B, shall be revised to expand the specific plan area to include City-owned land named Blair Park and the entirety of Moraga Avenue right-of-way from Highland Avenue to the northern limit of the City border. The parcels included in the specific plan are: 048A-7002-003-03; 050-4579-061-00; 050-4579-019-00; 050-4579-080-00; and 050-4579-021-00.

15. The text describing the planned specific plan area in New Housing Program 1.L (page 41) shall be amended to include the following new section,

> **"The goals of the specific plan are as follows. The first goal is to enable construction of housing in the range of 92 to 160 units, on portions of the site totaling approximately 3.5 acres of land, yielding a minimum of 60 to 100 units of housing affordable to households earning less than 80% of the area median income (AMI) and 32 units affordable to households more than 80% of the AMI.**
>
> **In addition, specific plan goals include improved safety. New habitable structures shall be built to meet fire code requirements for Wildland Urban Interface Areas.**

The specific plan must include replacement and/or modernization of existing Public Works Department facilities, offices, storage areas, vehicle storage areas, etcetera, so that service capacity is maintained or increased, and so that the facilities meet current building and fire code requirements.

The specific plan must include recreation facilities, including but not limited to a skatepark and an athletic field which incorporates a regulation size soccer field as well as a baseball/softball diamond.

The specific plan must provide all public utilities to new housing and all City facilities to be constructed within the specific plan area in a manner consistent with public safety standards and Piedmont Climate Action Plan goals and programs.

The specific plan must include improvements to pedestrian and vehicular circulation, as determined necessary by the City Engineer, to provide safe pedestrian, bicycle, and motor vehicle movements, ensure safe evacuation routes, and ensure optimal emergency response.

The goals of the specific plan include a comprehensive landscape plan for areas planned for development. The landscape plan shall prioritize to the extent practicable: fire safety and the preservation of significant open space, scenic views, and native and heritage trees."

16. The text in Section B.2.3 (page B-5) shall be revised to include a detailed description of the methodology to establish realistic capacity, including a minimum of five examples of properties in the vicinity of Piedmont, such as Il Piemonte at 4395 Piedmont Avenue in Oakland, which developed at 80% or more of the allowed residential density. The new text shall read, as follows (new text in bold and underlined font):

The City's Site Inventory conservatively assumes a "realistic capacity" of 80 percent of the maximum allowed density (i.e., a 20 percent reduction) for multi-family and mixed-use zones in order to account for potential development constraints, such as building code and zoning standards that limit the maximum building size and shape in order to have sufficient corridors, roof slopes, mechanical spaces, minimum separations between buildings, and other considerations.

The methodology for estimating the realistic capacity for the Housing Element Site Inventory is based on: best practices; a market understanding of the developer preference to optimize development potential as much as possible on a given site, given land costs; capacity estimates utilized in prior housing element cycles; the experience of other jurisdictions in analyzing realistic capacity; and comparable developments that have occurred in and near Piedmont. For example, Il Piemonte, a 26-unit, market rate mixed-use project, located just outside of Piedmont on

Piedmont Avenue, is developed at 87 units per acre, which utilizes 100 percent of the allowed capacity of the CN-1 zoning district in Oakland, without any affordable housing density bonus.

While there is also significant regional evidence pointing to projects achieving densities greater than 100 percent by utilization of State density bonus incentives, HCD does not allow cities to project unit potential produced through the density bonus in the Housing Element. Therefore, the City maintains a conservative approach to estimating realistic density and realistic capacity.

The following additional examples of projects in Alameda County and near Piedmont were built at 80 percent or more of their allowed capacity… (placeholder - to be provided prior to submittal to HCD)"

17. In order to address a possible shortfall of adequate sites to accommodate the housing units specified to meet the low and very-low income RHNA pursuant to Government Code 65583.2, subdivision (h) and (i) during the time period in which the City undertakes necessary zoning amendments to increase permitted density in Zone B, the Draft Housing Element shall be revised to include a new housing program in Section IV (page 44). Section IV, Housing Plan, of the Housing Element shall be updated to include a new program, Program 1.R, under Goal 1, "New Housing Construction," to read as follows:

    Program 1.R Lower-Income Sites Modifications to Address Shortfall. Consistent with California Government Code Section 65583.2(h) and (i), lower-income sites identified for zoning amendments in the Site Inventory will also be modified to:

    - **Allow owner-occupied and rental multi-family use by-right for developments in which 20 percent or more of the units are affordable to lower-income households;**
    - **Accommodate a minimum of 16 units per site;**
    - **Establish a minimum density of 20 units per acre; and**
    - **Require residential use occupancy of at least 50 percent of the total floor area of any mixed-use project on these sites.**
    - **Objective: Accommodate the lower income shortfall as required by Government Code Section 65583.2(h) and (i).**
    - **Timeframe: Amend the Zoning Ordinance as described above by early 2024.**
    - **Responsible Agency: Planning and Building Department, City Council.**

18. The Draft Housing Element shall be revised to reflect additional data received after release of the Housing Element in April 2022. Section F.2.1 of the Public Review Draft Housing Element, titled "Fair Housing Outreach and Enforcement" (page F-3) shall be amended to read in part (proposed edit in **bold** and underlined):

    The Eden Council for Hope and Opportunity (ECHO Housing) provides fair housing services to urban and unincorporated areas of Alameda County. Equal

housing access is their primary service component. According to 2019 ECHO Housing data, Piedmont accounted for less than one percent of alleged housing discrimination complaints from 2015 to 2019 with most complaints occurring in Oakland followed by the City of Alameda during this time. These complaints within the County were mostly related to the protected classification of disability at about 37 percent, next was the protected classification of race at about 31 percent, the category of "Other" at approximately 15 percent, and the classification of familial status was fourth at about 7 percent. **According to ECHO Housing, Piedmont had one fair housing complaint from 2016-2021 (a disability complaint in 2021), which resulted in education being provided to the landlord to settle the matter. No attorney was needed for resolution of the complaint in question.**

19. The Draft Housing Element shall be revised to expand the quantifiable objectives in part IV.B and Table IV-I (page 75) for all of the housing programs to meet the number of housing units across income categories in the RHNA. The City will modify Section IV, Housing Plan, of the Public Review Draft Housing Element (pgs. 35 to 77) to replace the existing Table IV-1 published in the Draft Housing Element with quantified objectives for certain programs, as identified in the table below (next page):

Revised Table IV-1: Quantified Objectives

Program #	Program Name	Quantified Objective						Notes
		Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	
1.B	Market-rate ADUs				45	45	90	
1.D	Religious Affiliated Housing			15	15		30	
1.E	Inclusionary ADUs				10		10	
1.F	Zoning Amendments Zone B	25	25	15	15		80	
1.G	Zoning Amendments Zone C					15	15	
1.H	Zoning Amendments Zone D	5	20	20	20	20	85	
1.J	Implementation SB 9				20	20	40	
1.L	Specific Plan	20	20	20	16	16	92	
1.M	Mobile and Manufactured Homes					5	5	
2.A	CDBG Rehabilitation			4	4		8	
3.B	Legalize Unpermitted ADUs				17		17	
3.D	ADU Missed Opportunities				10		10	
3.E	Affordable Housing Fund	2	3	5			10	
3.F	Incentives Affordable ADUs	5	30				35	
4.M	Objective Design Standards	10	15	15	10		50	
5.H	Single-Room Occupancy	5	5				10	
5.K	Supportive Housing	3	3				6	
Total		75	121	94	182	121	593	

SECTION 3. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF RESOLUTION]

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City of Piedmont
CALIFORNIA

MEMORANDUM

DATE: May 12, 2022

TO: Planning Commission

FROM: Kevin Jackson, Planning & Building Director
Pierce Macdonald, Senior Planner

SUBJECT: Recommendation: Draft 6th Cycle Housing Element

AGENDA ITEM NUMBER 1

RECOMMENDATION:

Recommend City Council authorize staff to send the Draft Housing Element to California Department of Housing and Community Development (HCD) for its review.

EXECUTIVE SUMMARY:

Every 8 years, every city, town, and county in California must update the Housing Element of their General Plan and have it certified by the California Department of Housing and Community Development (HCD). The 6th Housing Element cycle under State of California law is for the time period of 2023 to 2031 (6th Cycle) in the San Francisco Bay Area region. This report provides background information on State of California requirements. This report includes analysis in support of staff's conclusion that the Planning Commission should recommend City Council support of the Draft Housing Element and Council authorization to send the Draft Housing Element to California HCD. Comments on this agenda item from members of the public are welcomed and encouraged.

For the meeting on May 12, 2022, City staff recommends that the Planning Commission organize Commissioner comments by the following groupings of the four sections of the Draft Housing Element:

A. Introduction, Section I; and Projected Housing Need, Section II;

B. Elimination of Housing Constraints, Goal 4 of Section IV; and Appendix C - Constraints;

C. Sites Inventory, Section III, Housing Resources; and Appendix B - Housing Capacity and Analysis and Methodology;

D. Remaining Goals, Policies, and Programs, Section IV, Housing Plan;

E. All other Draft Housing Element Appendices.

A slide presentation on May 12, 2022, will augment the information in this staff report and will help facilitate the Planning Commission discussion.

BACKGROUND:

In March 2021, the City launched a citywide mailing, the Fair Housing Community Survey, and an online, interactive pinnable mapping tool, hosted on Social Pinpoint software. Response to the survey was robust, consisting of 877 survey participants and 90 map comments. Also in March, the City launched a Piedmont fair housing website at https://Piedmontishome.org. Public engagement in 2021 also included enthusiastic community participation in stakeholder interviews in July, pop-up information tables at local events in September, and the first Housing Element Community Workshop in December. This year, new public engagement strategies included direct correspondence with the owners of potential sites, the second Housing Element Community Workshop in March, installation of 30 banners on City streetlights, and the launch of the online Piedmont Housing Puzzle tool, hosted on Balancing Act software.

The City's engagement with Piedmont residents, property owners, business owners, and workers has encouraged participation in development of 6th Cycle Housing Element goals, policies, and programs. All public comments and ideas received by staff since the Housing Element Community Workshop on March 24, 2022, have been compiled and included as Attachment C of this staff report. Comments received on or before March 24, are included in the Draft Housing Element Appendix E. Public comments received after the Planning Commission meeting will be added to those in Attachment C and provided for City Council review and consideration.

On April 8, 2022, staff published the Draft Housing Element to the homepages of the City of Piedmont website homepage and the Housing Element update website, Piedmontishome.org

On April 19, 2022, the Piedmont Housing Advisory Committee held a virtual public meeting on the Draft Housing Element. The meeting was attended by 32 community members. Committee members expressed appreciation for the Draft Housing Element analysis, public engagement, and housing plan goals, policies, and programs. A summary of the Housing Advisory Committee meeting is provided as Attachment E to this report.

On May 4, 2022, the Park Commission held a public meeting in-person and in the Zoom virtual meeting format and received a staff report on the Draft Housing Element. The Park Commission discussed the sites inventory and other aspects of the housing plan. One member of the public addressed the Commission and raised issues regarding sustainability programs in the Draft Housing Element. A video recording of the meeting is available on the KCOM page of the City website, the link provided as Attachment F to this report.

At its core, a Housing Element is an opportunity for a community conversation about how to address local housing challenges and find solutions. The Housing Element addresses a range of housing issues, such as affordability, design, housing types, density, and location, and establishes goals, policies, and programs to address existing and projected housing needs. The Housing Element must be internally consistent with other parts of the General Plan and is critical to having a legally adequate General Plan.

State law does not require that jurisdictions *build* or *finance* new housing, but they must *plan* for it. It is in the community's Housing Element that local governments make decisions about where safe, accessible, and diverse housing could be developed to offer a mix of housing opportunities for a variety of household incomes. The Housing Element must identify how – through the adoption of policies and programs – the City of Piedmont will meet its share of the region's

housing need, called the Regional Housing Needs Allocation (RHNA).

Pursuant to state law and section 25.3 of the City Code, the role of the Planning Commission is to review amendments to the General Plan and "to investigate and make recommendations to the City Council concerning … planning and zoning matters as may be in the best interest of the City." The Planning Commission meeting also gives the public further opportunities to learn about the Housing Element update process and to give their input and feedback.

ANALYSIS:

Regional Housing Needs Allocation (RHNA) Process

Every city in California receives a target number of homes to plan for at various income levels. This is called the Regional Housing Needs Allocation (RHNA).

RHNA starts with the Regional Housing Needs Determination (RHND) provided by HCD, which is the total number of housing units the San Francisco Bay Area needs over the eight-year period, by income group. The Association of Bay Area Governments (ABAG) is tasked with developing the methodology to allocate a portion of housing needs to each city, town, and county in the region. After considering public comments, the ABAG Executive Board approved the RHNA methodology in January 2021. The State of California Department of Housing and Community Development (HCD) reviewed the RHNA methodology to ensure it furthers State-required objectives, and ABAG adopted a final methodology and allocations for every local government in the Bay Area in May 2021.

The RHNA allocations for the City of Piedmont are outlined in Table SR-1, as follows:

Table SR-1

2023-2031 RHNA Allocation	
City of Piedmont	
Income Level	
VERY LOW INCOME (<50% of Area Median Income)	163
LOW INCOME (50-80% of Area Median Income)	94
MODERATE INCOME (80-120% of Area Median Income)	92
ABOVE MODERATE INCOME (>120% of Area Median Income)	238
TOTAL ALLOCATION	587

Penalties for Noncompliance

Jurisdictions face a number of consequences if they do not have a certified Housing Element by the May 2023 deadline. Under legislation enacted in recent years, if a city does not comply with State law, the city can face litigation. In addition to facing significant fines, a court may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance. Additionally, local governments may lose the right to deny certain projects.

Conversely, an HCD-certified Housing Element makes cities eligible for numerous sources of funding and grants, such as Local Housing Allocations, Affordable Housing and Sustainable Communities Grants, SB 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Designation funding, Local Housing Trust Funds, and Regional Transportation Funds (such as MTC's OneBayArea Grants).

New State Requirements for the 6th Cycle Housing Element Update

Recent legislation resulted in the following key changes for this 6th cycle of RHNA and Housing Element updates:

- **Higher allocations -** There is a higher total regional housing need. HCD's identification of the region's total housing needs has changed to account for unmet existing need, rather than only projected housing need. HCD now must consider overcrowded households, cost-burdened households (those paying more than 30% of their income for housing), and a target vacancy rate for a healthy housing market (with a minimum of 5%). The RHNA for Piedmont for the 6th cycle is nine times more than the RHNA for the 5th cycle.
- **Affirmatively Furthering Fair Housing (AFFH) -** Local Housing Elements must affirmatively further fair housing. According to HCD, achieving this objective includes preventing segregation and poverty concentration, as well as increasing access to areas of opportunity. HCD has mapped Opportunity Areas and has developed guidance for jurisdictions to address affirmatively furthering fair housing in each Housing Element. The entire City of Piedmont is mapped as an area of highest resource for its low exposure to environmental hazards and access to very good schools and economic opportunities. AFFH was considered in relation to all sections of the Draft Housing Element. AFFH is addressed directly in the analysis in Appendix F, including supporting documentation and analysis from ABAG and the Urban Policy Lab of the University of California, Merced.
- **Limits on Sites -** Identifying Housing Element sites for affordable units is more challenging than in past years. There are new limits on the extent to which jurisdictions can reuse sites used in previous Housing Elements and increased scrutiny of small, large, and non-vacant sites, when these sites are proposed to accommodate units for very low- and low-income households.
- **Safety and Environmental Justice Element -** State law requires that the Safety Element of the General Plan be updated concurrently with the Housing Element. The Safety Element must address new wildfire risk, evacuation routes, and climate adaptation and resilience requirements in an integrated manner.

  There are four bills recently passed by the California State Legislature and approved by the Governor that require certain changes to an Environmental Hazards Element when a municipality undergoes an update to their Housing Element, as follows:

  1. **Senate Bill 99. Residential Emergency Evacuation Routes.** Senate Bill 99 requires all cities and counties, upon the next revision of the housing element on or after January 1, 2020, to update the safety element to include information identifying residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

  2. **Senate Bill 1035 General Plans.** Senate Bill 1035 requires cities and counties to update their safety element during a housing element or local hazard mitigation plan update cycle,

but not less than once every eight years, if new information on flood hazards, fire hazards, or climate adaptation or resilience is available that was not available during the previous revision of the safety element.

3. **Senate Bill 1241. State Responsibility Areas and Very High Fire Severity Zones.** The bill requires review and update of the safety element, upon the next revision of the housing element on or after January 1, 2014, as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones. The specific requirements are codified in GC § 65302(g)(3) and 65302.5(b) and included as an attachment to this memorandum.
4. **Assembly Bill 747. Evacuation Routes.** Assembly Bill 747 requires all cities and counties to identify evacuation routes in the safety elements of their general plans upon the next revision of their local hazard mitigation plan, beginning on or after January 1, 2022. The bill requires evaluation of evacuations route capacity, safety, and viability under a range of emergency scenarios.

Piedmont's housing consultant team has prepared analysis of Piedmont's current Environmental Hazards Element, including recommendations to expand and improve public engagement and planning for new wildfire risk, evacuation routes, and climate adaptation and resilience. These recommendations will guide the work of City staff and the housing consultant team as this and other elements of the Piedmont General Plan are amended to integrate the new 6th Cycle Piedmont Housing Element goals, policies, and programs, as stated on page 18 of Section I, Introduction, of the Draft Housing Element.

Draft 6th Cycle Piedmont Housing Element (2023-2031)

The Draft Housing Element begins with an executive summary, including Table ES-1, a summary of resulting housing units from recommended Housing Element programs, excerpted below. Table ES-1 compares the RHNA assignments to the recommended Housing Element housing sites inventory, projected increase in number of accessory dwelling units (ADUs), and pipeline projects. (The one pipeline project is no longer a viable design review approval because the building permit has expired. As reflected below, this vacant site will be added to the site inventory and the number of Approved/Entitled Projects will be 0 in the draft document sent to HCD.) The result is a moderate surplus of 71 housing units (12%), over and above the total RHNA of 587 housing units.

Table ES-1: Residential Development Potential and RHNA

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
RHNA	See Very Low	**163**	**94**	**92**	**238**	**587**
ADUs	See Very Low	7	42	70	21	**140**
Approved/Entitled Projects	-	-	-	-		
Site Inventory[1,2]	211[3]			81	225	**517**
Total Capacity	**260**			**151**	**247**	**658**
Surplus	3			59	9	**71**

Source: City of Piedmont, LWC

1. See Table B-9 in Appendix B for the complete inventory
2. See Section B.3.1 in Appendix B for information on the Specific Plan
3. For calculation purposes, extremely low, very low, and low income totals were grouped.

Key Components of a Housing Element

In compliance with State law, Piedmont's Draft Housing Element includes four sections and six appendices that cover the following required topics:

1. **Housing Needs Assessment**: Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities, female-headed households, employee housing, and people of diverse social and economic backgrounds).
2. **Evaluation of Past Performance**: Review the prior Housing Element (2015 to 2023) to measure progress in implementing past policies and programs.
3. **Housing Sites Inventory**: Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels.
4. **Community Engagement**: Implement a robust community engagement program, reaching out to all economic segments of the community plus traditionally underrepresented groups.
5. **Constraints Analysis**: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Affirmatively Furthering Fair Housing**: Analysis of existing fair housing and segregation issues and plan to address any identified disparities in housing needs, displacement, or access to opportunity.
7. **Policies and Programs**: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

Organization of the Draft Housing Element

The Draft Housing Element enables construction to occur. It does not require property owners to build or otherwise change the way they use their property. The organization of the Draft Housing Element begins with an executive summary and then the following four sections:

- Introduction
- Projected Housing Need
- Housing Resources
- Housing Plan: Goals, Policies, and Programs

There are six technical appendices that provide analysis of housing law, demographics, and other issues in greater detail, including:

- Appendix A, demographics data and analysis
- Appendix B, an analysis of sites and capacity in Piedmont
- Appendix C, constraints analysis
- Appendix D, evaluation of the 2015-2023 Housing Element
- Appendix E, the public engagement report
- Appendix F, an analysis of compliance with AB 686 and goals to affirmatively further fair housing in Piedmont

There are seven proposed Housing Element goals:

- **Goal 1:** New Housing Construction
- **Goal 2:** Housing Conservation
- **Goal 3:** Affordable Housing Opportunities
- **Goal 4:** Elimination of Housing Constraints
- **Goal 5:** Special Needs Populations
- **Goal 6:** Sustainability and Energy
- **Goal 7:** Equal Access to Housing

In order to implement the seven goals, the Draft Housing Element includes 56 policies and 64 programs. A list of the policies and programs is included as Attachment B to this staff report for the reference of the Planning Commission.

Housing Sites Inventory

The Draft Housing Element includes a recommended housing sites inventory for the review and consideration of the Piedmont community. Figure B-2, the Draft Housing Element's Site Inventory map, is included on page B-15 and excerpted below, followed by tables of sites organized by income levels.

Figure B-2: Draft 6th Cycle Housing Element Site Inventory by Income Category

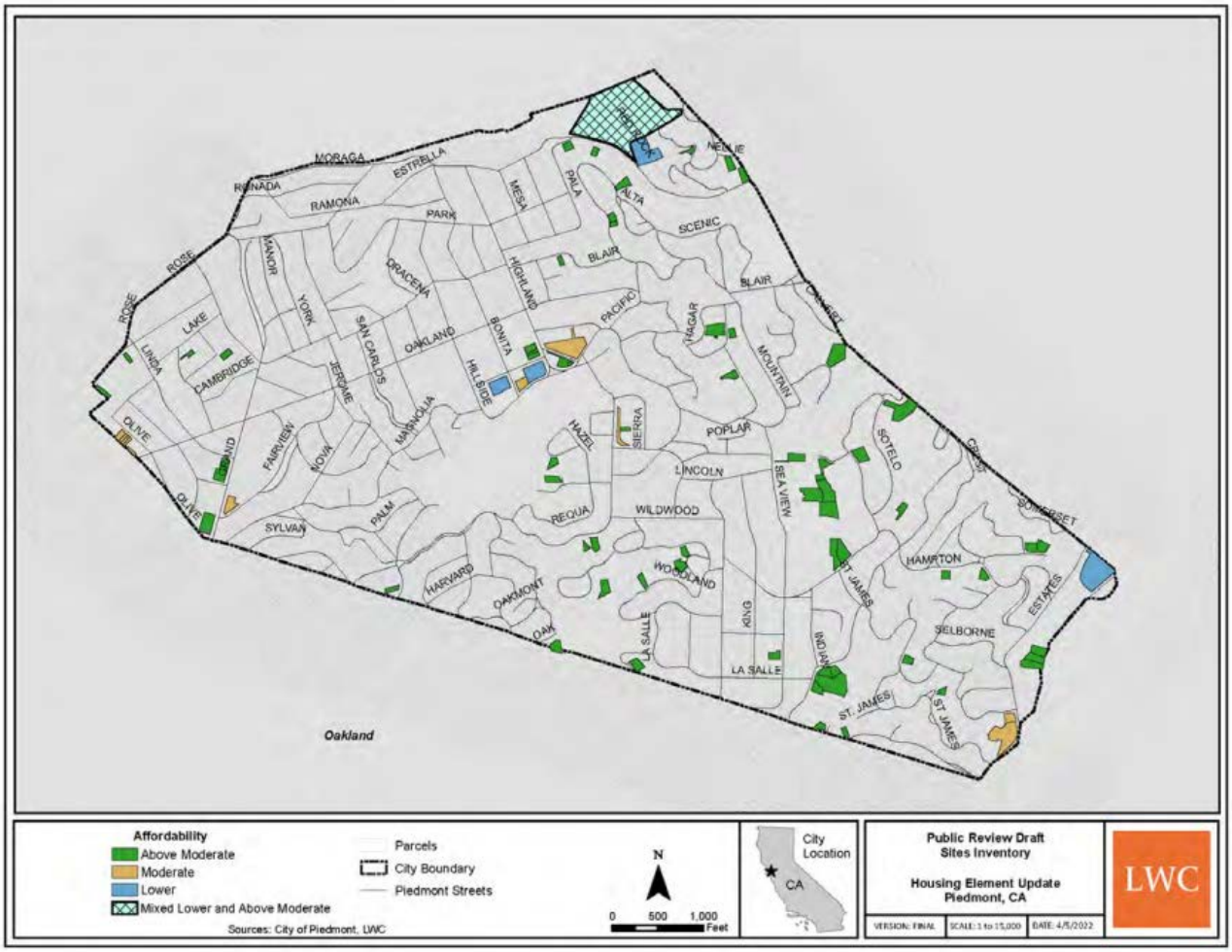


Table B-9: Draft 6th Cycle Housing Element Site Inventory by Income Category

APN	Address	Land Use	Zone	Acres	Existing Density	Proposed Density	Units Max	Units Realistic	Income	Infrastructure	In Previous Cycles?
050 086000400	1069 WINSOR AVE	Residential	A	0.19	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 092800400	770 KINGSTON AVE	Residential	A	0.19	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
050 092801301	KINGSTON AVE	Residential	A	0.12	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 455001500	HOWARD AVE	Residential	A	0.11	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 455104100	NACE AVE	Residential	A	0.21	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 457100101	MORAGA AVE at Pala	Residential	A	0.21	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 457902001	MORAGA AVE owned by 261 Scenic	Residential	A	0.15	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 457903300	1 Maxwelton Road	Residential	A	0.26	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
050 457904300	14 NELLIE AVE	Residential	A	0.27	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 457905601	1 ABBOTT WAY	Residential	A	0.13	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 460101802	156 SCENIC AVE	Residential	A	0.09	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 460102003	162 SCENIC AVE	Residential	A	0.16	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 460104400	279 SCENIC AVE	Residential	A	0.29	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
050 462104601	538 BLAIR AVE	Residential	A	0.13	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 466801934	REQUA PL	Residential	A	0.26	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 467603400	148 HAZEL LN	Residential	A	0.21	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 469301000	780 HIGHLAND AVE	Residential	A	0.11	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 469900902	551 MOUNTAIN AVE	Residential	A	0.17	1 unit per lot	1 unit per lot	1	1	Above Moderate		N

Table B-9: Draft 6th Cycle Housing Element Site Inventory by Income Category

APN	Address	Land Use	Zone	Acres	Existing Density	Proposed Density	Units Max	Units Realistic	Income	Infrastructure	In Previous Cycles?
051 470000500	415 PACIFIC AVE	Residential	A	0.60	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 471302300	14 LITTLEWOOD DR	Residential	A	0.83	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473200400	117 WOODLAND WAY	Residential	A	0.20	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473300702	WILDWOOD GARDENS	Residential	A	0.17	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473301800	WISTARIA WAY	Residential	A	0.32	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473600202	85 WILDWOOD GARDENS	Residential	A	0.37	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
051 473602301	370 WILDWOOD AVE	Residential	A	0.11	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473602307	WILDWOOD AVE	Residential	A	0.27	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 473902100	OAK RD	Residential	A	0.31	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 474502907	PORTAL AVE	Residential	A	0.31	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 478600800	62 FARRAGUT AVE	Residential	A	0.24	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 479100203	LA SALLE AVE	Residential	A	0.27	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 479100206	280 INDIAN RD	Residential	A	1.41	1 unit per lot	1 unit per lot	4	4	Above Moderate	water/sewer extension needed	N
051 479101200	280 INDIAN RD	Residential	A	0.28	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 479101300	280 INDIAN RD	Residential	A	0.23	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 480303700	403 HAMPTON RD	Residential	A	0.23	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 480901002	50 ST JAMES PL	Residential	A	0.14	1 unit per lot	1 unit per lot	1	1	Above Moderate		N

Table B-9: Draft 6th Cycle Housing Element Site Inventory by Income Category

APN	Address	Land Use	Zone	Acres	Existing Density	Proposed Density	Units Max	Units Realistic	Income	Infrastructure	In Previous Cycles?
051 480901900	22 VALANT PL	Residential	A	0.19	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 481302200	ST JAMES DR	Residential	A	0.14	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 481801600	111 SANDRINGHAM RD	Residential	A	0.21	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 481900100	490 HAMPTON RD	Residential	A	0.20	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 481902000	440 HAMPTON RD	Residential	A	0.20	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 482003300	PARK BLVD	Residential	A	0.37	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 482003500	PARK BLVD	Residential	A	0.37	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 482003700	PARK BLVD	Residential	A	0.46	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 482600600	HUNTLEIGH RD	Residential	A	0.32	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 482600700	145 LEXFORD RD	Residential	A	0.30	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 470104603	43 BELLEVUE AVE	Residential	E	0.26	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 472800104	26 SEA VIEW AVE	Residential	E	0.39	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
051 472800401	26 SEA VIEW AVE	Residential	E	0.71	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
051 472800502	GLEN ALPINE RD	Residential	E	0.71	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
051 472800503	GLEN ALPINE RD	Residential	E	0.13	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N
051 472800604	74 SEA VIEW AVE	Residential	E	0.75	1 unit per lot	1 unit per lot	1	1	Above Moderate	water/sewer extension needed	N

Table B-9: Draft 6th Cycle Housing Element Site Inventory by Income Category

APN	Address	Land Use	Zone	Acres	Existing Density	Proposed Density	Units Max	Units Realistic	Income	Infrastructure	In Previous Cycles?
051 472802000	5 HAMPTON RD	Residential	E	0.55	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 472802100	5 HAMPTON RD	Residential	E	0.53	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 480201300	17 GLEN ALPINE RD	Residential	E	0.47	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 480201600	INDIAN GULCH RD	Residential	E	0.26	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
051 480300101	70 SOTELO AVE	Residential	E	1.06	1 unit per lot	1 unit per lot	1	1	Above Moderate		N
048A700200303	898 RED ROCK RD	Corporation Yard	B	11.90	5 du/ac	TBD/SP	0	32	Above Moderate		N
050 455701501	1221 GRAND AVE	mixed use	D	0.65	20 du/ac	80 du/ac	52	42	Above Moderate		N
050 455801502	1337 GRAND AVE	mixed use	D	0.63	20 du/ac	80 du/ac	50	40	Above Moderate		N
050 462300500	356 HIGHLAND AVE (terrace)	mixed use	D	0.04	20 du/ac	80 du/ac	4	4	Above Moderate		N
050 462300602	356 HIGHLAND AVE	mixed use	D	0.28	20 du/ac	80 du/ac	22	18	Above Moderate		N
050 462401000	333 HIGHLAND AVE	mixed use	D	0.22	20 du/ac	80 du/ac	18	14	Above Moderate		N
050 462401100	333 HIGHLAND AVE	mixed use	D	0.07	20 du/ac	80 du/ac	6	6	Above Moderate		N
050 462401200	345 HIGHLAND AVE	mixed use	D	0.15	20 du/ac	80 du/ac	12	10	Above Moderate		N
Subtotal Above Moderate								**225**			
051 482001118	5201 PARK BLVD	residential - house of worship	A	2.22	1 unit per lot	21 du/ac	46.6	37	Lower		N
048A700200303	898 RED ROCK RD	Corporation Yard	B	11.90	5 du/ac	TBD/SP	0	50	Lower		N
050 457906100	643 MORAGA AVE	Corporation Yard	B	1.50	5 du/ac	TBD/SP	0	50	Lower		N
050 462500103	120 VISTA AVE	Public	B	0.83	5 du/ac	60 du/ac	50	40	Lower		N
050 462600100	VISTA AVE	Public	B	0.70	5 du/ac	60 du/ac	42	34	Lower		N
Subtotal Lower								**211**			

Table B-9: Draft 6th Cycle Housing Element Site Inventory by Income Category

APN	Address	Land Use	Zone	Acres	Existing Density	Proposed Density	Units Max	Units Realistic	Income	Infrastructure	In Previous Cycles?
050 092700403	OLIVE AVE	residential - house of worship	A	0.16	1 unit per lot	21 du/ac	3	3	Moderate		N
050 092700500	OLIVE AVE	residential - house of worship	A	0.08	1 unit per lot	21 du/ac	2	2	Moderate		N
050 092700600	OLIVE AVE	residential - house of worship	A	0.08	1 unit per lot	21 du/ac	2	2	Moderate		N
050 092700700	OLIVE AVE	residential - house of worship	A	0.08	1 unit per lot	21 du/ac	2	2	Moderate		N
050 092701300	OAKLAND AVE	residential - house of worship	A	0.08	1 unit per lot	21 du/ac	2	1	Moderate		N
050 462300400	400 HIGHLAND AVE	residential - house of worship	A	1.50	1 unit per lot	21 du/ac	31	25	Moderate		N
051 463603500	1300 GRAND AVE	residential - house of worship	A	0.40	1 unit per lot	21 du/ac	8	7	Moderate		N
051 481201110	4925 PARK BLVD	residential - house of worship	A	1.49	1 unit per lot	21 du/ac	31	25	Moderate		N
051 481201700	SANDRINGHAM RD	residential - house of worship	A	0.27	1 unit per lot	21 du/ac	6	4	Moderate		N
050 462500301	801 MAGNOLIA AVE	Public	B	0.31	5 du/ac	21 du/ac	7	5	Moderate		N
051 469301300	HIGHLAND AVE	Park	B	0.32	5 du/ac	21 du/ac	7	5	Moderate		N
Subtotal Moderate							**81**				
Total Inventory							**517**				

Methodology To Select Publicly Owned Sites

Due to changes to State law that increase the scrutiny on sites identified for housing affordable to households with low incomes, as well as Piedmont's higher RHNA during this Housing Element cycle compared to previous cycles, the sites inventory in the Draft Housing Element was expanded to include opportunity sites in all zones, including City-owned properties, to meet the eligibility and feasibility criteria required by HCD. After careful review of all City-owned properties, the following were included in the Draft Housing Element for further review and consideration:

- Piedmont Public Works Corporation Yard
- City Hall and Veterans Memorial Building/Police Station
- Corey Reich Tennis Center
- Highland Avenue Grassy Strip (between Sierra Avenue and Sheridan Avenue)
- 801 Magnolia Avenue

These City-owned sites are suggested for the sites inventory for their size, proximity to arterial roadways and access to transit, fire and emergency services, schools, and a commercial district with multiple services. For example, the Corporation Yard and all of the sites listed above are within ½ mile of the nearest school, Havens Elementary School. The existing uses on these sites could be incorporated into a future redevelopment plan. In addition, the existing city-owned buildings, such as administrative offices, multi-use spaces, community rooms, and Police Department and Fire Department facilities, require modernization, improvement, and expansion to meet the City's needs. The inclusion of the Cory Reich Tennis Center as a potential site recognizes that it is possible to develop a structure with tennis courts atop.

Should a developer express interest in a City-owned site at some point in the future, the City would be positioned to negotiate the terms of a possible development. The City would work with a development partner to develop units affordable to low- and very low-income households and meet

the number of units specified in the Housing Element. If fewer low and very low units than those specified in the Housing Element were approved, then the City must identify other sites to accommodate the remaining low and very low units elsewhere, pursuant to State housing element law (SB 330). The Draft Housing Element outlines a request for proposals (RFP) process to identify potential development partners for City-owned sites.

City Parks Considerations

City parks, such as Linda Dog Park and Blair Park, were not included in the sites inventory because parks are a very limited resource in Piedmont and cannot be replaced elsewhere. Parks are also vital to serve the needs of future population growth. As stated on page A-15 of Appendix A, according to the California Department of Finance, Piedmont had an average household size of 2.89 people in 2021, and approximately 52% of households contain three people or more.

The Draft Housing Element's housing plan could result in a significant increase in population, including additional families with children, with associated recreation needs. Because of Piedmont's land-locked relationship to the surrounding City of Oakland, there are no opportunities for Piedmont to annex additional public lands for new or expanded parks to serve Piedmont's growing population. The Draft Housing Element reserves parks like Linda Dog Park and Blair Park as crucial City resources. However, the Draft Housing Element identifies Blair Park as a potential alternate site for housing units planned for the Public Works Corporation Yard (12+ acres), described below, with provisions to ensure future recreational uses.

Proposed Specific Plan

As provided on page B-13, Appendix B of the Draft Housing Element proposes to prepare a specific plan (Government Code §65450 et. seq) for the area of the Public Works Corporation Yard to accommodate new housing development, incorporate existing amenities, and modernize current city functions. The portion of the site utilized for park and recreational uses, such as Coaches Field and Kennelly Skatepark, would remain as an amenity for the proposed specific plan area, with the existing vehicle parking reconfigured, as needed as part of the specific plan.

As proposed in the Draft Housing Element, the two largest proposed specific plan subareas, located and accessed from Moraga Avenue, provide the potential for the development of a number of affordable multifamily housing units. Utilization of the State's Density Bonus Ordinance (Government Code section 65915, et seq.) can increase yield, reduce development constraints, and contribute to greater affordability options. The Draft Housing Element proposes 100 units of high-density new housing along Moraga Avenue in the proposed specific plan area.

Proposed specific plan development north of Coaches Field, with its steeper topography, is anticipated to be lower density and yield units at above moderate income prices. Grading and access will be addressed during the specific plan process. The Draft Housing Element proposes zoning for 30 lower density housing units on the hillside above Kennelly Skatepark and Public Works buildings, with a realistic yield of 22 units.

Program 1.L in Section IV of the Draft Housing Element clarifies how the City will phase the project, ensure affordable housing development, and produce at least 100 units of low income housing and 22 units of above moderate income housing.

The City's Draft Housing Element has identified Blair Park, which is located on the south side of Moraga Avenue, as a potential alternate site for housing if the proposed specific plan for the Public Works Corporation Yard fails to yield 122 housing units. Blair Park is a 3.55-acre site, with the potential for 210 units if developed at 60 units per acre. If Blair Park is selected as an alternate site, the City would follow a similar process to that for the proposed specific plan. The City would request proposals from private development partners to develop housing, preserve existing open space functions, and integrate them into a multifamily housing development.

Potential Constraints

The Draft Housing Element investigated potential obstacles to the development of housing accessible to households of all income levels. Potential obstacles to development include governmental constraints (fees, development standards, and other regulations) and non-governmental constraints (market conditions, limited land supply, environmental setting, and other limits). For example, the non-governmental constraints analysis found that demand for homes and apartments in Piedmont is very high, resulting in high land costs. The Draft Housing Element includes programs to monitor and address potential governmental constraints due to the City Charter and zoning ordinance limits on allowable residential densities, as described below.

The Draft Housing Element notes that most of the land in Piedmont (772 acres) is zoned single-family residential, which allows detached single-family residences and ADUs by right at a maximum of 5 housing units per acre. As interpreted in section 17.02.010.C of the Piedmont City Code, Piedmont's City Charter requires voter approval to enlarge or reduce a zone or to reclassify land, but it does not prevent housing at greater densities within each zone (see proposed changes to Zones A through D, below). The proposed Draft Housing Element directs the City to continue to monitor the effects of the City Charter on the provision of housing at all income categories.

Proposed Zoning Amendments

The Draft Housing Element does not change the zoning classification of any properties in Piedmont. Nor does it propose any zones be enlarged or reduced. In order to meet the 6th Cycle RHNA target with Piedmont's limited available land. The Draft Housing Element's Goal 1, New Housing Construction, proposes future zoning ordinance amendments to increase the allowed residential density for housing affiliated with religious institutions in Zone A in accordance with California Assembly Bill 1851 (program 1.D, page 37) and increase allowed residential density in Zone B (program 1.F), Zone C (program 1.G), and Zone D (1.H), as follows:

Table S-R 2

Zoning District	Current Residential Density DU/ acre*	Proposed Residential Density DU/ acre*
Zone A	5	21
Zone B	5	60
Zone C	21	60
Zone D	20	80

*DU/acre means the dwelling units per acre ratio.

These proposed densities, outlined in the table above, permit the City's limited land resources to yield the required number of housing units mandated by the RHNA at all required levels of

affordability. The proposed zoning amendments are consistent with the City Charter. Proposed zoning ordinance amendments would be developed after adoption of the Housing Element and considered by the City Council at a future public hearing. Some proposed amendments would be considered within 1 year after adoption of the Housing Element, and some, like increasing permitted density in Zone D, would be implemented within 3 years.

Distribution of New Housing Units

The Draft Housing Element's first goal, new housing construction, includes programs to build new housing units at all affordability levels throughout the City of Piedmont. Zoning amendments to increase the maximum number of housing units are recommended in Zones A, B, C, and D. Non-profit affordable housing developers, the most likely developers of housing affordable to low and very-low-income households in Piedmont, have expressed to City staff that land costs severely limit affordable housing developments and that developments of 30 to 60 units are needed to achieve economies of scale. Some larger developments of up to 60 dwelling units on suitable publicly owned land are necessary to provide low and very low income housing in Piedmont.

The Draft Housing Element includes programs to encourage two affordable housing developments on City-owned land in the northern part of Piedmont, four affordable housing developments on City-owned land in Piedmont's central civic center, and one religious affiliated affordable housing development with Zion Lutheran Church, in the eastern part of Piedmont. In addition, 35% of the 140 new accessory dwelling units (ADUs) planned for in the Draft Housing Element (49 ADUs) in Zones A and E would be affordable to low- and very low-income households through a program of new incentives.

Feasibility Analysis

The State criteria for sites included in the Housing Element sites inventory are sites generally 1/2 acre or larger, up to 10 acres. Sites of this size in Piedmont are rare, and many are City-owned. In addition, non-vacant sites require further explanation to substantiate how these sites could be redeveloped within the planning period (2023 to 2031). The Draft Housing Element includes analysis of redevelopment in the neighboring jurisdiction, the City of Oakland, to show that the densities anticipated for the new housing plan could be achieved in the East Bay real estate market. The requirement for feasibility analysis is to determine if the owners of property included in the sites inventory would be willing to consider a development proposal. City staff has contacted the property owners to confirm their willingness to consider redevelopment within the Housing Element planning period. In addition, the Draft Housing Element includes a calculation of realistic capacity which reduces the projected growth under the proposed housing programs.

Accessory Dwelling Units

Staff estimates that there are more than 300 ADUs in Piedmont. Recent changes to State law have resulted in City approval of over 70 new ADUs in the last 8 years. Some of these ADUs have deed restrictions limiting who can occupy the ADU and how much rent can be collected. Most of the recent ADUs do not have rent or occupancy restrictions.

If rented, a property owner must obtain a business license for their ADU. If no rent is collected for the tenant, such as a parent, adult child, or friend living in the ADU as a separate household, then a business license is not required. However, the ADU is still meeting a critical housing need as

many seniors, adult children and family friends may be low-income or representatives of special needs populations. All ADUs increase the City's capacity to house more residents.

The Association of Bay Area Governments (ABAG) collected data for over 900 ADUs throughout California and prepared safe harbor assumptions for the affordability levels for ADUs. The Draft Housing Element uses the most conservative approach for ADU affordability provided by ABAG which was 5% very low income, 30% low income, 50% moderate income, and 15% above moderate income. ADUs are financed with private capital and located on private property. California HCD does not require that the City of Piedmont survey ADU owners and occupants, review the rents, or review occupants' incomes.

The Draft Housing Element recommends that ADUs are an important source of new housing to meet the RHNA but they are not, and cannot be, the only strategy. The Draft Housing Element includes a mix of high-density housing in new mixed-use apartment buildings on Grand Avenue and Highland Avenue, multifamily apartments in Zone C (Linda Avenue), affordable housing on Moraga, Vista, and Magnolia Avenues, and affiliated housing at religious institutions.

Public Comment

Written public comment received since March 24, 2022, is included as Attachment C. Public comment received to date expresses the diversity of opinions in the Piedmont community. Public comment also took the form of participation in the Piedmont Housing Puzzle, an online planning tool. Participants provided 173 housing plans and 120 written comments on different sites in Piedmont. A summary report of participation in the Piedmont Housing Puzzle is included as Attachment D to this report.

CEQA:

Due to the physical changes anticipated by the City's response to the Regional Housing Needs Allocation of 587 housing units, determined by the Association of Bay Area Governments (ABAG), the City has contracted with Rincon Consultants, Inc. to prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The scope of the EIR is comprehensive, including analysis of all of the potential environmental impacts listed in Appendix G of the CEQA Guidelines. A Draft EIR is expected later this year.

CONCLUSION:

The Draft 6th Cycle Piedmont Housing Element for 2023 to 2031, represents a significant investment of time and resources of City decision-makers, staff, and the hundreds of community members who have participated in public meetings, community workshops, surveys, comment letters, and online planning tools. This investment in a thoughtful, inclusive, and open planning process is critical to development of an optimal housing plan for Piedmont. Thoughtful planning can reduce potential harm and transform growth into a benefit for the community, as a whole. For the reasons outlined in the analysis above, this report recommends that the Planning Commission recommend City Council authorize staff to send the draft Housing Element to California Department of Housing and Community Development for review.

ATTACHMENTS:

A	*Online*	Draft 6th Cycle Piedmont Housing Element https://www.piedmont.ca.gov/government/city_news___notifications/draft_housing_element_released
B	Pages 16-19	Index and List of Housing Plan Policies and Programs
C	Pages 20-92	Public Comment, received since March 24, 2022 deleted from Council report
D	Pages93-105	Piedmont Housing Puzzle Engagement Report, dated May 6, 2022
E	*Online*	Housing Advisory Committee Meeting Summary, April 19, 2022 https://static1.squarespace.com/static/5fdea2c9d61098631976bacc/t/62745190de9b6a29481e4808/1651790224319/5.4.22_Piedmont_HEU_HAC%232_Summary.pdf deleted from Council Report
F	*Online*	Park Commission Meeting Video, May 4, 2022 https://piedmont.granicus.com/MediaPlayer.php?view_id=3&clip_id=2526 deleted from Council Report

MEMO

To: Pierce Macdonald, Senior Planner, City of Piedmont

From: Lisa Wise Consulting, Inc.

Date: May 6, 2022

Subject: ADMINISTRATIVE DRAFT – List of Policies and Programs, 6th Cycle Housing Element Update

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The purpose of this memo is to list the policies and programs in the Housing Element Update Public Review Draft for inclusion in the staff report for the May 12, 2022, Planning Commission meeting.

Goal 1 Policies

- Policy 1.1: Adequate Sites
- Policy 1.2: Housing Diversity
- Policy 1.3: Promoting Residential Use
- Policy 1.4: Context-Appropriate Programs
- Policy 1.5: Accessory Dwelling Units
- Policy 1.6: Accessory Dwelling Units in New or Expanded Homes
- Policy 1.7: Housing in Commercial Districts
- Policy 1.8: Mobile and Manufactured Housing
- Policy 1.9: Maintaining Buildable Lots
- Policy 1.10: Lot Mergers
- Policy 1.11: Intergovernmental Coordination
- Policy 1.12: Multi-family Housing City Service Fee
- Policy 1.13: Remediation Grants

Goal 1 Programs

- Program 1.A: Vacant Land Inventory
- Program 1.B: Market-Rate Accessory Dwelling Units
- Program 1.C: Public Engagement for Accessory Dwelling Units
- Program 1.D: Allow Religious Institution Affiliated Housing Development in Zone A
- Program 1.E: Require ADUs for New Single-Family Residence Construction
- Program 1.F: Increase Allowances for Housing in Zone B
- Program 1.G: Facilitating Multi-family Development in Zone C
- Program 1.H: Increase Allowances for Housing in Zone D
- Program 1.I: Lot Mergers to Facilitate Housing in Zone C and D
- Program 1.J: SB 9 Facilitation Amendments
- Program 1.K: City Services Impact Fee for Multi-family Housing
- Program 1.L: Specific Plan
- Program 1.M: Manufactured and Mobile Homes
- Program 1.N: Municipal Services Parcel Study Tax
- Program 1.O: Gas Station Remediation Study
- Program 1.P: General Plan Amendments

Goal 2 Policies

- Policy 2.1: Encouraging Private Reinvestment
- Policy 2.2: Public Funds for Housing Maintenance
- Policy 2.3: Availability of Small, More Affordable Homes
- Policy 2.4: Code Enforcement
- Policy 2.5: Use of Original Materials
- Policy 2.6: Preservation of Multi-Family Housing
- Policy 2.7: Home Occupations
- Policy 2.8: Conservation of Rental Housing Opportunities

Goal 2 Programs

- Program 2.A: CDBG Funding
- Program 2.B: Availability of Small Homes
- Program 2.C: Use of Original Materials and Construction Methods
- Program 2.D: Condominium Conversions

Goal 3 Policies

- Policy 3.1: Rent-Restricted Accessory Dwelling Units
- Policy 3.2: Occupancy of Permitted Accessory Dwelling Units
- Policy 3.3: Legalization of ADUs
- Policy 3.4: Accessory Dwelling Unit Building Regulations
- Policy 3.5: Density Bonuses
- Policy 3.7: Room Rentals
- Policy 3.8: Inclusionary Housing

Goal 3 Programs

- Program 3.A: Affordable Accessory Dwelling Unit Public Information Campaign
- Program 3.B: Increase Number of Legal Accessory Dwelling Units
- Program 3.C: Monitoring Accessory Dwelling Unit Missed Opportunities
- Program 3.D: Monitoring Additional Accessory Dwelling Unit Development Opportunities
- Program 3.E: Affordable Housing Fund
- Program 3.F: Incentives for Rent-Restricted ADUs
- Program 3.G: Inclusionary Housing

Goal 4 Policies

- Policy 4.1: Communicating Planning and Building Information
- Policy 4.2: Planning and Building Standards
- Policy 4.3: Expeditious Permitting
- Policy 4.4: Updating Standards and Codes
- Policy 4.5: Code Flexibility
- Policy 4.6: Housing Coordinator
- Policy 4.7: Infrastructure Maintenance
- Policy 4.8: Infrastructure Prioritization for Lower Income Housing
- Policy 4.9: Housing Finance Programs

Goal 4 Programs

- Program 4.A: Media Strategy
- Program 4.B: Home Improvement Workshops
- Program 4.C: Building Code Updates and Ongoing Enforcement
- Program 4.D: Fee Review
- Program 4.E: Temporary Staff Additions
- Program 4.F: Capital Improvement Plan (CIP) Updates
- Program 4.G: Monitoring the Effects of the City Charter
- Program 4.H: Consider Modifications to Charter Regarding Zoning Amendments
- Program 4.I: Health and Safety Code 17021.5 Compliance
- Program 4.J: Small Lot Housing Study
- Program 4.K: Small Lot Affordable Housing Study
- Program 4.L: Allow Parking Reductions for Multi-Family, Mixed-Use, and Affordable Projects
- Program 4.M: Facilitate Multi-Family and Residential Mixed-Use Projects by Right Subject to Objective Standards
- Program 4.N: Allow Transitional and Supportive Housing by Right in Zones that Allow Residential Uses
- Program 4.O: Allow Low Barrier Navigation Centers by Right in Zones that Allow Residential Uses
- Program 4.P: Residential Care Facilities
- Program 4.Q: Parking Reductions for Persons with Disabilities, Seniors, and Other Housing Types
- Program 4.R: Permit Streamlining
- Program 4.S: Prioritize Sewer Hookups for Residential Development for Lower-Income Housing
- Program 4.T: Establish Standards for Emergency Shelters

Goal 5 Policies

- Policy 5.1: Retrofits for Diminished Mobility of Piedmont Residents
- Policy 5.2: Accessory Dwelling Units, Shared Housing, and Seniors
- Policy 5.3: Reasonable Accommodation
- Policy 5.4: Extremely Low-Income Residents
- Policy 5.5: Regional Approaches to Homelessness
- Policy 5.6: Foreclosure
- Policy 5.7: Persons with Disabilities

Goal 5 Programs

- Program 5.A: Shared Housing Publicity and Media Initiative
- Program 5.B: Shared Housing Matching Services
- Program 5.C: Assistance to Nonprofit Developers
- Program 5.D: Accommodations for Disabled Persons
- Program 5.E: Housing Support for Families in Crisis
- Program 5.F: EveryOne Home
- Program 5.G: Faith Community Participation
- Program 5.H: Housing for Extremely Low-Income Individuals and Households

- Program 5.I: Housing for Extremely Low-Income Families
- Program 5.J: Developmentally Disabled Residents
- Program 5.K: Transitional and Supportive Housing for Extremely Low-Income Residents

Goal 6 Policies

- Policy 6.1: Energy-Efficient Design
- Policy 6.2: Energy-Efficient Materials
- Policy 6.3: Weatherization
- Policy 6.4: Renewable Energy
- Policy 6.5: Energy Retrofits
- Policy 6.6: Housing and Climate Change
- Policy 6.7: Water Conservation

Goal 6 Programs

- Program 6.A: Title 24 and Reach Codes
- Program 6.B: Green Housing
- Program 6.C: Renewable Energy Funding Assistance
- Program 6.D: Financial Assistance

Goal 7 Policies

- Policy 7.1: Housing Choice
- Policy 7.2: County Fair Housing Programs
- Policy 7.3: Fair Housing Enforcement
- Policy 7.4: Fair Housing Education

Goal 7 Programs

- Program 7.A: Public Information
- Program 7.B: Fair Housing Referrals
- Program 7.C: Housing Equity

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PIEDMONT PLANNING COMMISSION

Special Meeting Minutes for Thursday, May 12, 2022

A Special Meeting of the Piedmont Planning Commission was held on Thursday, May 12 , 2022, both in person and via ZOOM teleconference, in accordance with Government Code Section 54953. The agenda for this meeting was posted for public inspection on May 6, 2022, in accordance with the General Code Section 54954.2 (a).

CALL TO ORDER

Chair Rani Batra called the meeting to order at 5:30 p.m.
Breaks were taken from 6:55 p.m. – 7:03 p.m. and from 8:19 p.m. – 8:25 p.m.

ROLL CALL

Present: Chair Rani Batra, Commissioners Jonathan Levine, Tom Ramsey, Douglas Strout, and Justin Zucker

Absent: Yildiz Duransoy

Staff: Planning & Building Director Kevin Jackson, Senior Planner Pierce Macdonald, Planning Technician Suzanne Hartman, and Administrative Assistant Mark Enea.

Guests: From Lisa Wise Consulting (LWC), Director David Bergman, Senior Associate Kathryn Slama, and Associate Stefano Richichi; from Plan to Place, Paul Kronser, Associate and Rachael Sharkland, Associate.

REGULAR CALENDAR

The Commission considered the following items as part of Regular Calendar:

Consideration of a Recommendation regarding the Draft 6th Cycle Housing Element

The Planning Commission held a public hearing on the Draft 6th Cycle Piedmont Housing Element (Draft Housing Element) and document related to the California Environmental Quality Act (CEQA). This was the third in a series of public events to solicit Commissioner and public input on the Draft Housing Element, a state-mandated document presenting the City's housing policies for years 2023-2031. This hearing follows community workshops held on December 2, 2021, and March 24, 2022. The Planning Commission will provide comments on the Draft Housing Element to the City Council and consider a recommendation that the City Council authorize staff to file the Draft Housing Element to the California Department of Housing and Community Development for its state-mandated review.

Planning & Building Director Kevin Jackson introduced the agenda item and stated that the Draft Housing Element reflects the needs of the community and region and that he is confident that it will eventually meet the criteria for certification by the State of California. Staff is recommending a few clarifying edits and one additional program. The Planning Commission has the opportunity to recommend additional changes.

LWC Director David Bergman, presented a slideshow that included information on the Housing Element Overview, the Housing Element Organization, Key Findings of the Needs Assessment, Key Findings of the Constraints, New State Laws since the 5th Cycle, New 6th Cycle Housing Elements, and Frequently Asked Questions (FAQ). He recommended that for more responses to FAQs, community members should visit Piedmontishome.org/faqs.

LWC Senior Associate Kathryn Slama addressed some of the FAQs during the meetings that were previously held, and she stated they will be added to the online list. Some of those FAQs are as follows,

- What are the requirements for "Affirmatively Furthering Fair Housing (AFFH)"?
  - Do sites have to be mathematically equally distributed?
  - What are the requirements for locations of sites throughout the City?

Affirmatively Furthering Fair Housing (AFFH) is a new and important component of the City's Housing Element. AFFH is the Housing Element's implementation of AB 686, a new State law that was passed for the 6th Cycle. It further broadens fair housing goals from the federal level passed down through legislation. The City is able to assess policies and programs on the basis of feasibility to further federal fair housing goals.

The AFFH analyzes and documents the composition of the community. This helps to identify and understand any areas where certain protected communities, may be living and areas that are concentrated or segregated, in comparison to other communities in Piedmont. The AFFH analysis also reviews areas with high economic environmental or educational resources, which would indicate an area of opportunity. The entirety of the City of Piedmont is considered an area of high opportunity, therefore any housing no matter where it is located in the City, furthers the goals of the AFFH legislation and goals to place housing in areas of high opportunity.

There is no legal requirement for equally distributing housing throughout the City in a mathematical sense. The plan is to put housing where there is high opportunity and high resources. AFFH aims to avoid exacerbating any existing areas of isolation and segregation regarding race, ethnicity, or income.

- Deadlines and Timesheets
  - What are the deadlines for HCD review and City adoption?
  - What is the deadline for public comment?

Housing Elements are regulated by the State of California. There are many rules, regulations and requirements pertaining to deadlines, and the timing of those deadlines relate to various drafts, submitting the drafts, and the timing of the adoption.

All ABAG-member cities have a deadline when they have to submit their Housing Element to be in compliance with State law. There is an adoption deadline of January 31, 2023. The State allows a 120-day grace period, making the absolute deadline May 30, 2023. There is a review period of the draft prior to approval of the Housing Element. The review periods range from 60-90 days. Public comments are accepted throughout the process until the adoption of the Housing Element.

- Low-Income Units, ADUs, and S89

By law the City of Piedmont has to submit an inventory of sites, both vacant and nonvacant. There are four categories to the Regional Housing Needs Assessment (RHNA) income levels, including extremely low and very low, low, moderate, and above moderate. The City performed site by site analyses to compare specific conditions and to determine the likelihood of development on those sites.

The states criteria for lower-income sites includes a requirement that the site be in a zone that allows at least 20 dwelling units per acre, be greater than 0.5 acres in size, and less than 10 acres in size. The State has limitations if the site allows non-residential uses. Additional documentations is required if the site is not vacant.

The additional feasibility checks includes that non-profit affordable housing developers typically build 30+ unit developments. Residential mixed-use development is not typically affordable without additional restrictions (e.g., inclusionary ordinance or density bonus) or partnerships.

Accessory Dwelling Units (ADU) are allowed to be utilized as part of the on-site inventory. ADUs are a great resource for the community, but not all housing will be met through ADUs alone. The methodology used is the average rate of production and what the city has seen occur with ADU development since 2019.

A new State law is SB 9. This allows large sites/lots, in single-family zones, to develop up to four units. The City encourages SB 9 projects in the Draft Housing Element.

In regard to density and realistic capacity assumptions, the City is focused on ensuring the estimates in the Housing Element are realistic and pragmatic to identify a variety of different opportunities in all the zones throughout the community.

The Housing Element includes a program to carry out a specific plan for the Corporation Yard to determine the scope and criteria for potential development over the next eight years. The area is less than 13 acres. Two out of five sites could accommodate lower income housing. This is the largest City-owned opportunity site.

Mr. Bergman presented the goals, policies, and programs of the Housing Element. The Housing Plan (Section IV) of the Housing Element serves as the City's strategy for addressing its housing needs. The goals are aspirational purpose statements that indicate the City's direction on housing-related needs. The policies are statements that describe the City's preferred course of action among a range of other options and guide decision-makers. The programs provide actionable steps to implement the City's goals to further the City's progress towards meeting its housing allocation, and take into consideration Piedmont's size, opportunities for housing, and identified needs and constraints.

The seven goals are: New Housing Construction, Housing Conservation, Affordable Housing Opportunities, Elimination of Housing Constraints, Special Needs Populations, Sustainability and Energy, and Equal Access to Housing.

Key programs for ADU production are: Market-Rate Accessory Dwelling Units, Require ADUs for New Single-Family Residence Construction, Increase Number of Legal Accessory Dwelling Units, Monitoring Accessory Dwelling Unit Missed Opportunities, Monitoring Additional Accessory Dwelling Unit Development Opportunities, and Incentives for Rent-Restricted ADUs.

Key programs for zoning code amendments to increase capacity are: Allow Religious Institution Affiliated Housing Development in Zone A, Increase Allowances for Housing in Zone B, Facilitate Multi-family Development in Zone C, Increase Allowances for Housing in Zone D, and a Specific Plan for the Corporation Yard area.

Key programs the City can consider to offset costs are: City Services Impact Fee for Multi-Family Housing, Municipal Services Parcel Tax Study, and Affordable Housing Fund.

Key programs to integrate units throughout the City are: Inclusionary Housing, Small Lot Housing Study, Small Lot Affordable Housing Study, and ADU Programs.

Key programs for marketing and outreach/education are: Public Engagement for Accessory Dwelling Units, Affordable Accessory Dwelling Unit Public Information

Campaign, Monitoring Additional Accessory Dwelling Unit Development Opportunities, Media Strategy, and Public Information.

Key programs for promoting fair housing are: Accommodations for Disable Persons, Housing for Extremely Low-Income Families, Developmentally Disabled Residents, Public Information, Fair Housing Referrals, Pubic Engagement for Accessory Dwelling Units, Assistance to Nonprofit Developers, and Housing Equity.

Ms. Slama presented the 2022 – 2023 Housing Element schedule.

- April – June 2022 – Draft Review and Public Comment (State requirement for public review is only 30 days)

- June 2022 – City Council (tentative)
- Mid-July 2022 – Submit Draft Housing Element to California Department of Housing and Community Development (CA HCD)
- Mid-July – Mid-October 2022 – CA HCD (90-day Review)
- October – November 2022 – Address CA HCD comments and Public Notice
- Mid-November 2022 – Mid-January 2023 – CA HCD (60-day Review)
- January – February 2023 – Address CA HCD comments and Public Notice
- Mid-February – Mid-April 2023 – CA HCD 2nd 60-day Review (if needed)
- April – May 2023 – Adoption Hearings • May 30, 2023 – Adoption Deadline

Ms. Slama stated that public comment is accepted throughout the Housing Element process, at Piedmontishome.org. Changes to any drafts must be consistent with State law and approved by HCD.

In response to Commissioner's questions about a scenario in which CA HCD approved the Draft Housing Element after the first 90-day review period, Ms. Slama stated that the public comment process would not be affected if the first submittal of the Draft Housing Element was accepted by CA HCD because CA HCD review is for state approval only and not the City Council adoption of the Draft Housing Element. HCD needs to give the City a letter of compliance first, and that letter and the Housing Element would need to be adopted by the City Council to conclude the Housing Element update and public process.

In response to questions from Planning Commissioners regarding Housing Element compliance, Ms. Slama explained that if you are out of compliance, CA HCD would send a letter stating you will have one year to make all zoning changes required to meet your RHNA obligations. If you submit and obtain CA HCD approval before the deadline, you will have 3 years to make zoning changes. If you don't make have a certified and adopted Housing Element by January 2023 (May 2023 with grace period), you will be subject to enforcement under AB 72. The City could lose a lot of local control if they are out of compliance. The Housing Plan target is to do a variety of actionable measures over the next eight years, to reach that 587 target. The building of the ADUs is a goal; therefore, there is not a deadline to construct them.

Public testimony:

There were many community members that addressed the Commission including,

Beth Sala Covin
John Malick

Dimitri Magganis
Kristen Harknett
Dai Meagher
Bob Eisenbach
Rick Raushenbush
Rob Lautt
Naomi Stein
Liz Lummis O'Neil
Irene Cheng, on behalf of PREC
Sarah Karlinsky
Hugh Louch, Chair of Piedmont Pedestrian Bicycle Advisory Committee
Tyler Lopez-Ziemann
Elise Marie Collins
Ronda Kelly
Pam Hirtzer
Garrett Keating
Dan Saper
Deb Leland
Francis Fisher
Deepti Sethi
Suzie Struble
Jill Lindenbaum
Claire Parisa
Andy Madeira
Babala, The Twins, Grand Avenue
Alice Talcott
Carol Galante
Randy Wu
Vincent Fisher
Katherine
Scott Mortimer
Michael Henn
Michelle Mazeo

Many speakers complimented staff and the LWC team on drafting a comprehensive Draft Housing Element that addresses Piedmont's housing needs. Comments received during the **public testimony** included the following:

- Why is Piedmont not seeking some type of exemption?
- Has there been an economic impact study done?
- Is it the States plan to build more housing next to the Hayward Fault?
- John Malick provided photographs of multi-family housing projects that live comfortably in Piedmont.
- Regarding density, when zoning was developed in Piedmont, it was based on automobile-oriented environment, which maximizes cars on streets and not pedestrians walking through neighborhoods.
- It would be nice to have a restaurant, coffee shop, dry cleaner in Piedmont.
- SB9 should apply to every lot in Piedmont, not just the larger ones.
- What are the tax credits from the state?
- What are the restrictions on public private partnerships for development?
- Excited about proactiveness of Piedmont making more housing available.
- In support of affordable housing.
- People should be able to afford to live in Piedmont.

- More housing and more affordable housing will enrich the community
- Piedmont should be taking a leadership role in creating solutions and removing barriers for housing.
- When is CEQA starting? Why hasn't it started yet?
- How is different income level housing enforced?
- When are the traffic studies going to be performed for Moraga and St. James to ensure they can accommodate the increased traffic?
- What happens if voters don't pass the zoning changes?
- Revaluate and reconsider the use of the proposed possible construction of the 130 units at the Corporation Yard and Moraga Avenue. The building of 130 units can't be accommodated from a traffic standpoint.
- The Corporation Yard is a wildfire risk.
- The Corporation Yard, City Hall site, and the Corey Reich Tennis Center are not suitable land. The city will be forced to consider other locations during CEQA review.
- Al alternative location is Blair Park.
- The Housing Element is a historic opportunity for our town. Racial and economic inequities are real and are frustrating. The Housing Element helps Piedmont take the needed steps to address the issues. Piedmont should be the example. Piedmont can be an inviting, culturally rich community. This project is inspiring. We are all in this together.
- The Kehilla Community Synagogue is supportive of affordable housing. Reminder there is $2.2 million in A1 funds from Alameda County. We have a civic, morale and spiritual responsibility. Now is the time to address the historical wrongs.
- Home values will decline if the Corporate Yard was to be developed.
- Concerns about infrastructure on Maxwelton Road and Moraga.
- Sound study needed because of increased density.
- Many use laws and zoning codes to keep certain people out, so it's great Piedmont is changing their housing polices, to become a more welcoming and inclusive place for all.
- New housing needs to be added everywhere.
- Piedmont should have a positive vision.
- Look for more sites and the possibilities of those sites.
- Go bigger on the Civic Center site.
- Remove sites that are less suitable, such as the median on Highland.
- Preservation and conservation of housing are important.
- People living in high resources areas live 15-30 years longer, than people living in lower resource areas.
- Piedmont has the opportunity to change and improve the unacceptable "invisible laws".
- The Bay Area has a homelessness and affordable housing crisis.
- Commends the City and encourages it to be more bolder and creative and show more leadership.
- Pursue all the opportunities outlined including Grand Avenue, churches, synagogues, City lots, Blair Park, downtown and the cemetery.
- We are not a third world country and homeless people should not be living in these conditions.
- Moraga Canyon doesn't have the carrying capacity within the physical constraints of the canyon.
- Moraga Canyon is a tinder box, and the fire hazard is huge.
- Incorporate more elements into the general plans.
- If 122 units aren't received in the Corporation Yard, then it can be switched to Blair Park. What is the number you will accept in the Corp Yard?

- ADUs are a huge impact on privacy. The incentives should be scaled to the zoning district.
- Make a more vibrant, diverse, inclusive community for our children to live in, and that doesn't have to sacrifice what makes Piedmont so wonderful.
- It's embarrassing that Piedmont is only a little over 1% black.
- It can be difficult to achieve affordability. The A1 funds are a great tool. How does the Housing Element allow for the use of A1 funds within the timeframe that the program requires?
- Housing roundtable forums may be beneficial for communication.
- How many of the ADUs that are being built are being used for low to moderate income people?
- Consider changing the residential zones to allow duplexes and triplexes.
- The concentration of housing in one geographic area changes the nature of existing properties and the resident's lifetime savings that are represented in properties for Piedmont residents.
- Let's do more and have more community engagement gatherings.
- The downtown area presents a great opportunity for a master plan. Consider buildings that need reinventing and a makeover and can also incorporate additional housing.
- For site selection, will religious institutions vacate the area? If not, there is too much reliance on those sites.
- The affordable housing fund should not be tied to one specific program.
- Have a continuing education program on real estate practices.
- Blair Park should be the primary site for the site inventory.
- The best way to achieve affordable housing is through density.
- There are less than 4% of Latino's in Piedmont. This caller is Latino and lives on Grand Avenue, and their property values are just as important as other residents, and they too are concerned about their property value.
- There should be changes to Zone A, just like Zone C and D.
- Take into consideration the people that have been excluded from Piedmont, because of racism and can't afford to live in Piedmont, and hear their voices and be welcoming.
- Blair Park is an undeveloped excess property, which was proposed to be a sports complex, but didn't happen.
- Reimagine the Civic Center.
- Thank you for a feasible Housing Element plan that will enable long-term affordable, multi-family housing for the first time in Piedmont, in a more diverse, vibrant community.
- Welcome new people into Piedmont, and don't segregate them into one distant area, as opposes to having affordable housing throughout Piedmont.
- Provide access to environmental reports for each of the sites. A traffic analysis with the impacts, would be very helpful.
- Let's take a pause and see what the best options may be. Allow more time for adequate community input.
- HCD is receptive to SB9 units being incorporated into Housing Elements.
- Teachers should be able to live in and afford housing in the community they teach in.
- Students who live in diverse communities, have a greater sense of self-awareness and awareness of others and greater empathy.

City staff and the LWC consulting team responded to some public comments as follows:

There is some guidance from CA HDC about SB9, and that is if these units are produced, the City would be able to count them in reporting compliance and meeting housing targets.

The preparation of an Environmental Impact Report (EIR) included a scoping session earlier this year and Rincon Consultants are preparing the programmatic EIR for the Housing Element. The Draft EIR will be circulated publicly later this year. The environmental impacts being studied include those related to potential development on sites included in the sites inventory. The EIR does look at variety of environmental impacts. In addition to the environmental document, there is a team in place to do a safety element update, which includes an update to the Piedmont Environmental Hazards Element. This is a collective approach to identify a site, study environmental impacts, and devise mitigation measures.

The City is taking a conservative approach in the EIR in which more sites than needed for the sites inventory and housing plan are included in the EIR analysis to ensure the site selection process, the community deliberation process, and the HCD review process allow for changes. Blair Park is part of the study area of the EIR.

There is no requirement that a religious site produce housing. Any property owner, be they private, public or commercial, would use their discretion to develop housing. On religious institution sites, the existing building is not required to be demolished; housing could be built on surplus land such as parking lots or undeveloped portions.

Sites in Piedmont would be very competitive for federal tax credit financing for affordable housing (LIHTC) because Piedmont is a high opportunity zone.

The Surplus Land Act would apply to City-owned sites. The State does put restrictions and obligations on the municipality when it declares land surplus and enters into private partnership for development.

Income levels are determined by the county. Housing units are deemed affordable if the occupant is spending no more than 30% on housing. The specific units are categorized by affordability levels.

Commissioner Ramsey commented that in his opinion if Measure A1 funds are to be used to produce affordable housing and the identification of a site is requisite, then there are two specific items in the Draft Housing Element that need more definition on how they align with the schedule of A1 funds.

- 1F. Increase Allowances for Housing in Zone B
  - look at more sites for the inventory review, such as Blair Park

- 1L. Specific Plan. Schedule for RFPs
  - align the RFP with the availability of A1 funds

Planning & Building Director Kevin Jackson stated that the Housing Element as drafted, is not a reclassification of any zone, nor does it expand or change any boundaries of any zone. It does not require a vote from the public, as outlined in the City Charter. State law allows for lot splits and duplexing, through SB 9. If Piedmont increased the allowed density of Zone A or Zone E to include more housing units, that may eliminate the ability to take advantage of SB 9 because SB 9 only applies to properties in single-family zoning districts. The Draft Housing Element does not

include housing units developed through SB 9 as part of the plan to allow for 587 housing units because the State limits such projections to a current rate of production. Currently, no additional housing units have been produced in Piedmont through the use of SB 9.

In response to questions about impacts on the property values of neighboring homes, David Bergman described changes in affordable housing trends nationally. Contemporary affordable housing is now often produced in mixed-income sites and is a component of a larger plan. Trulia has specific data on Oakland, for a per square foot median basis of homes between 2,000 – 4,000 feet away from a subsidized unit of affordable housing. Based on their review, it was found that there was not a significant impact. The more affluent the target market is for where the below market rate units go, the less affect it has on sales value of property that is nearby.

Commissioner Comments include the following:

Commissioner Ramsey stated the affordable housing fund currently as described in the Draft Housing Element, states that it is exclusively for ADUs. It should be modified to include small houses, shared housing, and additional housing types. A requirement that new single-family residences include an ADU may have unintended consequences, such as encouraging larger housing, and may encourage the demolition of homes instead of remodeling them. Provide incentives or carrots for ADUs, rather than requirements.

Commissioner Zucker stated that there may be an opportunity to build the affordable housing fund by having both the ADU requirement and a fee out option. The fee out option would allow the owner to pay an in-lieu fee rather than having to provide the new ADU, and that fee can replenish the affordable housing fund.

Director Jackson presented concluding slides describing the findings outlined in a draft resolution prepared for the Planning Commission's consideration. The findings gave the reasons that the Planning Commission could consider in recommending City Council support the Draft Housing Element.

The draft Planning Commission resolution, prepared by staff, also includes proposed amendments to the Draft Housing Element. The proposed amendments are:

1. 139 Lexford Road will not be included in the list of pipeline project but will be included in the vacant land inventory.

2. The income category shall be revised to correctly identify a maximum density of 60 dwelling units per acre for 801 Magnolia Avenue, resulting in 18 moderate-income dwelling units with a realistic capacity of 13 moderate-income dwelling units.

3. The description of properties included in the site inventory for low and very low-income category, shall be revised, as follows:

   "B.2.5 Suitability of Nonvacant Sites

   Since residential land in Piedmont is generally built out, the sites inventory includes nonvacant sites. Nonvacant sites are relied on to accommodate more than 50 percent of the City's lower income RHNA. Therefore, the City conducted an analysis to determine if substantial evidence exists to support the

premise that housing can be accommodated on these sites and/or existing uses on these sites will be discontinued during the planning period (2023-2031)…"

"… Nonvacant parcels primarily include **relatively large properties (over 0.5 acres) irrespective of current use**, underutilized sites with surface parking and commercial buildings where the existing uses are of marginal economic viability, or the structures are at or near the end of their useful life. Screening for potential sites considered market conditions and recent development trends throughout the Bay Area and the State and utilized conservative assumptions in projecting units well below observed densities for residential and mixed-use projects."

4. **Measure A1** is a **low-interest loan** program, not a grant program, and the date for requesting a second extension deadline will be **June** 2022.

5. The reach codes that require electrification of new housing for **detached** dwelling units, therefore would not apply to ADUs that are developed within an existing house.

6. A sentence is added to "**1.J SB 9 Facilitation Amendments**," stating that **the goals of the City's program to implement SB 9 are to encourage duplexes, triplexes, and fourplexes in single-family zoning districts like Piedmont's Zone A and Zone E.**

7. A new program was included: **New Housing Program 1.Q – Density Bonus Ordinance. Consider development of a local density bonus-ordinance that is inclusive of State of California density bonus incentives and considers local goals for affordable housing above the minimum requirements of State density bonus law**.

Commissioner Strout asked if it would be appropriate to insert language somehow for an assessment criteria process, including a side-by-side comparison of larger sites, a decision matrix with categories such as, traffic, parking, environmental aspects, access, and buildability. Planning & Building Director, Kevin Jackson stated that he would not recommend evaluation of specific sites be included because developers will normally do their own analysis for their own needs.

Commissioner Zucker stated since Piedmont is using Oakland as a baseline metrics, then the 12% buffer may not be enough since Oakland's buffer is 25%. Blair Park and Moraga Canyon have merit to be considered and is a viable option. The inclusionary housing ordinance should be developed further. Mr. Jackson stated that the 12% is a fair buffer. Some development happens beyond the proposed housing plan, like SB 9, and there is an invisible buffer that the state doesn't allow to be counted as part of the Housing Element.

Ms. Slama stated that the likelihood of the redevelopment of nonvacant sites, is criteria the state sets. The state does require the Housing Element to show that there is a regional market demand, that certain sites would redevelop as housing over the next eight years. Mr. Bergman stated that the criteria is to first look at neighboring jurisdiction, which is Oakland, but it could be extended throughout Alameda County. Some disadvantages to extending through Almeda County are that as you go further away geographically from Piedmont, there may be some market dynamics that may be different. If land is made available and the development entitlements are in place, then there is market demand for new residential development in the greater Oakland-Piedmont market.

Commissioner Levine asked if the plan is adopted would the City devote its efforts into developing the left-side of the Corporation Yard. Mr. Jackson stated the Housing Element proposes that Piedmont carries out a specific plan for that area, which would determine the optimal way for that to be developed with housing and maintain the City facilities in that area. The plan would be to carry out the programs and policies that are listed in the Housing Element, including this specific plan, and partner with a developer for that area. That is not exclusive of development in the Civic Center area, which are also primary sites. The City has its discretion to pursue housing and how to do it and the Housing Element allows that to happen.

Commissioner Ramsey stated that there a lot of cities that partner with developers and private partnerships, which include many different ways to achieve that, and that decision would come from City Council and a public process. Mr. Bergman stated that when a city is ready to enter into a development agreement, it goes through the requirements of the Surplus Land Act. The state wants to ensure the City is not giving away land, and the Surplus Land Act encourages below market rate transfer of land for the production of affordable housing. The specific plan is the mechanism, but the site is where there is enough capacity to accommodate the City's housing obligation under RHNA, at all income levels.

Commissioner Levine stated he assumed that the Housing Element's selection of sites, listed in order, are the Corporation Yard, then consideration of Blair Park, then consideration of the Civic Center sites. Since this is not the case, there needs to be written clarification in the Draft Housing Element.

Chair Batra stated in areas of more concentrated development, that senior housing may have less traffic impact. How could a site be designated only for senior housing? Mr. Jackson stated that it may not be appropriate at this time to designate a site to only one type of housing because housing needs to be developed at all levels and all types. All projects will be carefully designed and evaluated so it does not have a detrimental effect. Environmental reports can be developed that brings awareness to mitigation hazards.

Ms. Slama stated that if there are any environmental impacts, the goal would be to identify mitigation measures. But if mitigation was not feasible, then the City Council could determine to move forward with the Housing Element, making a find of significant and unavoidable impact. The Corporation Yard has been identified for a specific plan because of the large site, required new infrastructure and utilities, integration of new City facilities, how to access the Skate Park and Coaches Field, and how to navigate and create new roads. The intent is that the highest density housing would be placed on more level land near Moraga Avenue, not on the hillside

Chair Batra suggested that there may be value to redesignate Blair Park to undeveloped land instead of a park. It is the intention to protect park land for the future. Mr. Jackson stated that there may be some risk to redesignating the land at this time.

Commissioner Levine stated that one of the General Plan policies is to maintain the small housing stock. Ms. Macdonald stated that in the Draft Housing Element Policy 2.3 was revised to encourage the creation of small homes within Piedmont's existing stock of homes and historic houses in order to promote the affordability of smaller size homes. Ms. Macdonald stated the revision was changed from maintaining existing homes, to encourage the creation of smaller homes, in new construction.

Director Jackson stated that the Planning Commission is being asked to adopt the resolution, recommending the City Council direct staff to submit the Draft Housing Element to the State HCD for certification, with some staff recommended revisions.

Director Jackson and the Commissioners discussed the revisions the Commissioners wanted to include in its recommendation to the City Council.

Commissioner Ramsey proposed changes to Programs 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan, to clarify the priority, or lack thereof, for sites in the sites inventory for timing of implementation and the use of Measure A-1 funds, and stated the Commission doesn't recommend a hierarchy of the sites in the sites inventory. He stated the Commission recommends the sites be considered concurrently and that the City Council not wait for completion of the proposed specific plan in program 1.L to enable affordable housing on publicly owned land.

Commissioners discussed additional changes to programs 1.E, Require ADUs for New Single-Family Residence Construction, and 3.E, Affordable Housing Fund. Commissioners recommended a threshold, such as a lot size threshold, for programs to require the construction of an ADU in the construction of a new residence. Commissioners recommended that language in program 3.E provide more flexibility for potential affordable housing programs.

Commissioner Zucker made a motion to adopt the resolution below and to include in it four additional recommended revisions to Program 1.E, Program 1.F, Program 1.L and Program 3.E.

Resolution 12-PL-22
WHEREAS, enacted in 1969, the State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires all cities and counties in California to prepare detailed plans to meet the housing needs of everyone in the community, and requires cities and counties to obtain California Department of Housing and Community Development (CA HCD) certification of each Housing Element; and

WHEREAS, Piedmont's prior Housing Element was last certified by CA HCD in 2014, and Government Code section 65588 requires local agencies to update their housing element at least every eight years; and

WHEREAS, in February 2021, the City Council established a Housing Advisory Committee to provide feedback on fair housing issues and on the conduct of the next Housing Element update; and

WHEREAS, the Association of Bay Area Governments (ABAG) adopted a final methodology and Regional Housing Needs Allocation (RHNA) for every local government in the Bay Area Region in May 2021, and the RHNA assigned to Piedmont was 587 new housing units across various income categories; and

WHEREAS, on May 3, 2021, the City Council approved a contract with Lisa Wise Consulting, Inc. (LWC), to prepare the next Housing Element update in conformance with State of California 6th housing element cycle requirements, and in July 2021, LWC representatives began stakeholder interviews; and

WHEREAS, the City has undertaken an innovative and robust public engagement process, using a wide variety of media and formats, in support of the Housing Element update process; and

WHEREAS, in March 2021, City of Piedmont launched a citywide Fair Housing Community Survey, a citywide postcard mailing, an interactive pinnable mapping tool, hosted on Social Pinpoint software, and Piedmontishome.org, a fair housing website and clearinghouse for Housing Element information, updates, and resources for community members; and

WHEREAS, in September 2021, the Planning Commission and the Housing Advisory Committee held a joint meeting to receive information about the requirements for Housing Elements and fair housing law, in September 2021, City decision-makers and staff participated in person at Piedmont community events to increase public awareness of the Housing Element process, and City staff hosted the Housing Element Community Workshop #1 on December 2, 2021, at which 80 people attended; and

WHEREAS, public engagement continued in 2022, as follows: in March 2022, the City installed 30 publicity banners for the Housing Element update on Grand Avenue, Highland Avenue, and Moraga Avenue with Piedmontishome.org website information and text inviting the broader Piedmont community to participate in the Housing Element update; and a few days later, the City hosted the second Housing Element Community Workshop #2, at which the City launched the web-based Piedmont Housing Puzzle, a community planning tool with opportunities to comment on potential sites and allocate the RHNA housing units to selected sites and at various residential densities, and at which 73 people attended; and

WHEREAS, public engagement conducted for the Housing Element update has included regular news stories in local media, email newsletters to over 4,000 email subscribers, emails to the School District employees and City employees (Piedmont's largest employers), correspondence with Piedmont religious institutions, meetings with property owners in Zones A, B, C, and D, regular updates at public meetings of the Planning Commission, and posters at local businesses; and

WHEREAS, on April 8, 2022, the Draft 6th Cycle Piedmont Housing Element (Draft Housing Element) was published to the City of Piedmont homepage and the City's housing website, Piedmontishome.org; and

WHEREAS, on March 15 and April 19, 2022, the Housing Advisory Committee met to consider the progress of the Draft Housing Element; and

WHEREAS, on May 4, 2022, City staff and the consultant team presented the Draft Housing Element at a regular meeting of the Park Commission; and

WHEREAS, due to the physical changes anticipated by the City's draft new housing policies and programs planned in the Draft Housing Element in order to satisfy the Regional Housing Needs Allocation (RHNA) of 587 new housing units by 2031, as determined by the Association of Bay Area Governments (ABAG), the City has begun the preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) that will study comprehensive potential environmental impacts of the Draft Housing Element; and

WHEREAS, the Planning Commission considered the Draft Housing Element at a special meeting on May 12, 2022, received a report by staff and the consultant team, and received verbal public comment from 35 members of the Piedmont community, and, after reviewing the report, presentation, and any and all testimony and documentation submitted in connection with public comment, the Piedmont Planning Commission finds:

1. The public engagement conducted for the Draft Housing Element has successfully reached all segments of the Piedmont community, including residents in affected neighborhoods and people working, attending school, and visiting Piedmont from other areas.

2. The Draft Housing Element presents a reasonable and equitable approach to work with the private sector to enable the construction of new housing to meet the Regional Housing Needs Allocation of 587 new housing units in all income categories.

3. The Draft Housing Element presents a thoughtful and careful consideration of the potential obstacles to growth in Piedmont and presents new policies and programs to remove or reduce these obstacles.

4. The Draft Housing Element utilizes a sufficient realistic capacity for growth projections by using an 80% cap on projected growth, resulting from Draft Housing Element policies and programs, and by including a 12% buffer of surplus units above the RHNA of 587 housing units (71 housing units).

5. The Draft Housing Element affirmatively furthers fair housing by providing sites, policies, and programs that assure households of all incomes and social and racial backgrounds have access to high resources areas, economic and educational opportunities, and areas with low exposure to environmental hazards.

6. As outlined in the staff report and presentation, the Draft Housing Element complies with housing element law, as set forth in Government Code §§ 65302 and 65580, et seq.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. The Piedmont Planning Commission incorporates the findings set forth in this Resolution and recommends that the City Council authorize staff to transmit the Draft Housing Element with the revisions delineated in Section 2 of this resolution to the California Department of Housing and Community Development for its review.

SECTION 2. The Planning Commission recommends that the City Council incorporate the following revisions into the Draft Housing Element prior to its transmission to CA HCD as follows:

1. As described on pages B-4 and B-5 of Appendix B of the Draft Housing Element, the new residence proposed for 139 Lexford Road will not be included in the category of pipeline projects and instead will be included in the vacant land inventory due to the expiration of the building permit for the prior approved residence.

2. Table B-9: Draft 6th Cycle Housing Element Sites Inventory by Income Category on page B-21 of Appendix B of the Draft Housing Element shall be revised to correctly identify a proposed maximum density of 60 dwelling units per acre for 801 Magnolia Avenue as this site is in Zone B. The resulting maximum capacity is 18 moderate-income dwelling units with a realistic capacity of 13 moderate-income dwelling units.

3. The description of properties included in the sites inventory for the low and very low income category, as described in part B.2.5, page B-8 of Appendix B of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font),

   "B.2.5 Suitability of Nonvacant Sites

   Since residential land in Piedmont is generally built out, the sites inventory includes nonvacant sites. Nonvacant sites are relied on to accommodate more than 50 percent of the City's lower income RHNA. Therefore, the City conducted an analysis to determine if substantial evidence exists to support the premise that housing can be accommodated on these sites and/or existing uses on these sites will be discontinued during the planning period (2023-2031). Nonvacant parcels primarily include **relatively large properties (over 0.5 acres) irrespective of current use**, underutilized sites with surface parking and commercial buildings where the existing uses are of marginal economic viability, or the structures are at or near the end of their useful life. Screening for potential sites considered market conditions and recent development trends throughout the Bay Area and the State and utilized conservative assumptions in projecting units well below observed densities for residential and mixed-use projects."

4. The Regional Resources information on page 24 of the Draft Housing Element will be revised to read as follows (changes shown in bold and underlined font):

   "**Regional Resources - Alameda County**

   • **Measure A1**: Measure A1 is a **low-interest loan** program funded through a countywide parcel tax and administered by the Alameda County Department of Housing and Community Development (Alameda HCD). In 2016, Alameda County residents voted to adopt Measure A1, a $580 million property tax revenue bond for affordable housing. The City's Measure A-1 allocation ($2.2 million) project application was originally set to be approved by the County of Alameda by December 31, 2021, with the funds be spent within 5 years after the application is approved. City staff have received an extension of the application deadline to December 2022, and are requesting a second extension in **June** 2022."

5. The description of sustainability programs on page 32 of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font)

   " An implementing policy of CAP 2.0 is to monitor effectiveness of policies on greenhouse gas (GHG) emissions. The GHG inventory was last updated in 2021. Piedmont's municipal and residential accounts were enrolled into EBCE's 100% renewable energy plan in November of 2018. The City and its

residents being enrolled into a 100% renewable energy plan helps to reduce GHGs emissions the City produces; therefore, making significant steps towards reaching the CAP 2.0 objectives. The City of Piedmont has adopted Reach Codes which require all new **detached** dwelling units to be electric and requires energy improvements at certain building permit cost and size thresholds. Other conservation programs available on a regional, State, and federal level are described below**."**

6. The description of program 1.J, SB 9 Facilitation Amendments, on page 40 of the Draft Housing Element shall be revised to read as follows (change shown in bolded and underlined font):

   "**1.J SB 9 Facilitation Amendments**

   Senate Bill (SB) 9, adopted in 2021, requires proposed housing developments containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain criteria. SB 9 also requires local agencies to ministerially approve a parcel map for an urban lot split subject to certain criteria. **The goals of the City's program to implement SB 9 are to encourage duplexes, triplexes, and fourplexes in single-family zoning districts like Piedmont's Zone A and Zone E.**"

7. New Housing Program 1.E, Require ADUs for New Single-Family Residence Construction, shall be revised to read as follows (change shown in bold and underlined font):

   " In order to increase the production of ADUs, the City will amend the Zoning Ordinance to require the construction of an ADU or JADU with the construction of a new residence, whether on vacant property or on any property that is proposed to be redeveloped, **when the property meets certain size thresholds to be established in the implementing ordinance.** As part of the Program, the City will study and develop an alternative which will allow an in-lieu fee to fund City affordable housing programs, including Programs 3.E and 3.F…"

8. Draft Housing Element program 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan, shall be revised to clarify the priority, or lack thereof, to develop certain sites in the sites inventory first and to clarify the intended use of Measure A-1 funds relative to funding deadlines. The Commission recommends there be no a hierarchy of the sites in the sites inventory. The Commission recommends the sites be considered concurrently and that the City Council not wait for completion of the proposed specific plan in program 1.L to implement programs to enable affordable housing on other sites, including publicly owned land.

9. New Housing Program 1.Q – Density Bonus Ordinance. Consider development of a local density bonus ordinance that is inclusive of State of California density bonus incentives and considers local goals for affordable housing above the minimum requirements of State density bonus law.

10. Program 3.E, Affordable Housing Fund will be revised to read as follows (changes shown in bold and underlined text):

"The City will create a Piedmont affordable housing fund to receive philanthropic donations, in-lieu fees, and other sources of funding. These funds could be used for affordable housing programs including a loan program for ADUs with Habitat for Humanity **or other programs for other affordable housing types.** The affordable housing fund could be administered by a non-profit affordable housing developer, such as Habitat for Humanity **or other entity**, to make low-interest loans (e.g., 4% interest rate) available to low or moderate-income property owners (e.g., up to $135,650 for a household of three people), with a focus on members of protected classes. Loans **could** be made available for the construction of new ADUs, ~~and~~ Junior ADUs, **and/or other small housing units** with occupancy restricted to very-low-income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents **for a minimum period of 15 years**.

The City is targeting supporting approximately 5 new income-restricted **units** during the planning period. The Program could be extended to property owners with above moderate incomes with additional funding sources, such as fund-raising efforts, philanthropic contributions, or grant funding.

• Objective: Investigate Affordable Housing Fund for the construction of new ADUs and Junior ADUs **and other affordable housing types** with occupancy restricted to very-low-income (31% to 50% AMI) and extremely-low-income (30% or less of AMI) residents for a **minimum** period of 15 years.

• Timeframe: Meet with City Council in ~~**2022**~~ **2023** to discuss potential risks and opportunities.

• Responsible Agency: Planning & Building Department, City Council.

SECTION 3. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Zucker, Seconded by Ramsey
Ayes: Batra, Levine, Ramsey, Strout, Zucker
Noes: None
Abstain: None
Absent: Duransoy

ADJOURNMENT There being no further business, Chair Batra adjourned the meeting at 9:48 p.m.

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HOUSING ELEMENT UPDATE HOUSING ADVISORY COMMITTEE #2 SUMMARY

Format: Zoom Virtual Webinar | April 19, 5:30-8:00pm

The purpose of the Piedmont Housing Element Update community event at the Housing Advisory Committee (HAC) meeting on April 19, 2022, was to present key findings and recommendations of the Draft 6th Cycle Housing Element and provide a forum for feedback and discussion from the members of the HAC and the general public. Feedback received will be considered by the Planning Commission and City Council in making their recommendation in order to submit the Draft Housing Element to the Department of Housing and Community Development (HCD) in this summer of 2022.

The HAC meeting was held virtually via Zoom Webinar on Tuesday, April 19, 2022, from 5:30-8:00pm. City staff and the consultant team (Lisa Wise Consulting, Inc. and Plan to Place) facilitated the meeting. The agenda was posted April 14, and the staff report was posted April 15, 2022, prior to the meeting. The presentation slides are posted to the project website: piedmontishome.org. Approximately 30 members of the public attended. The meeting agenda is outlined below:

1. Welcome, Introductions, & Housing Element Overview
2. Findings: Constraints Assessment
3. Overview of Available Sites Inventory
4. Fair Housing Goals, Policies, and Programs
5. Public Comment
6. Wrap Up and Next Steps

ATTENDANCE

Meeting participants: approximately 30 attendees

City Staff

- Kevin Jackson – *Planning and Building Director*
- Pierce Macdonald– *Senior Planner*
- Mark Enea - *Administrative Assistant*

Housing Advisory Committee

- Rani Batra - *Chair*
- June Catalano
- Jane Lin
- Claire Parisa
- Justin Osler (not present)

Consultant Team

- **Lisa Wise Consulting, Inc. (LWC)** – David Bergman, Kathryn Slama, Stefano Richichi
- **Plan to Place** – Paul Kronser, Rachael Sharkland

WORKSHOP SUMMARY

Chair Rani Batra brought the meeting to order, welcomed public attendees, and explained the purpose of the meeting. The City moderator, Administrative Assistant Mark Enea, then gave an overview of the format of the meeting, including the protocol for the public comment section. Kathryn Slama (LWC) and David Bergman (LWC) began the presentation with a high-level review of the Housing Element, including background, components, document organization, a summary of public outreach to date, and project FAQs. Following the overview, the presentation was organized into three sections: 1) findings from the Constraints Assessment; 2) overview of Available Sites Inventory; and 3) Fair Housing goals, policies, and programs. After each section concluded, time was given to the HAC members to offer comments and ask clarifying questions. City staff and the consultant team responded to HAC questions. After the presentation, HAC accepted public comment. Speakers were allowed up to two minutes of comments, and there was not cut off on the number of speakers. Following the public comment period, members of the HAC were invited to make concluding remarks.

HAC COMMENTS AND CLARIFYING QUESTIONS

The table below includes the HAC comments organized according to each section with responses to select questions from City Staff and the consultant team in *italics*.

CONSTRAINTS		
Commentor	**Comment**	**Responder/ Response**
Claire Parisa	In regard to section 1F, What type of housing is allowed on public facilities sites in Zone B. To increase allowances, what is currently allowed and what is being proposed?	*Kevin Jackson: In Zone B single family (SF) residential is permitted as well as emergency shelters and supportive housing as defined in state code; SF residential is permitted in every zone in Piedmont.*
Claire Parisa	Can supportive housing be permanent? This could be a good opportunity.	*Kevin: Yes, I believe supportive housing can be permanent.*
Rani Batra	Regarding the constraints section, it strikes me over and over that prop.13 is a significant constraint. We see this dramatically in Piedmont with our uneven distribution of property taxes. It certainly is a limitation to production of affordable housing. How can we share the burden more proportionately across the population?	*David B: Parcel tax would be an option.*

SITES INVENTORY	
Commentor	**Comment**
June Catalano	My comment is in regard to the intensity of the affordable housing around the Corp Yard with all its noise and traffic. HCD wants affordable housing distributed. I would request that the consultants take another look at that. Also, if Redrock Rd. can't be developed, we would go to Blair Park, and that would be 200 affordable units concentrated there. I believe the intention is to distribute affordable housing throughout the community. It appears that no other City has given up parkland to build housing. Is this setting up a concerning precedent that Piedmont, as well as other cities, would be expected to give up parkland?
Claire Parisa	Thank you to the team, it is not easy to find a place for this many units. Kudos for creativity and detailed analysis. 1) While there are margins for all of the income levels, the margin is very thin for extremely low and low income. If we were to theoretically hit our targets, we would have to build out all sites, with the exception of 3 units. So I would encourage the City to take a look and have a bigger margin. 2) City Hall and Piedmont Center for the Arts are cherished sites that don't seem likely to be built on. I believe we should be looking more closely at Blair Park. I don't think we should build on the entire site, but rather would propose improving some of the park areas, especially where it is an undeveloped field, and adding housing. There is an opportunity to do both. I would prefer that Blair Park is not a back-up, but is considered as a primary site. I understand this would require community input. 3) In the site inventory, the map is very hard to read. Can it be made larger and can there be zoom in on frames where there are clusters of sites?
Rani Batra	I echo the discussion on Blair Park, I do think it's a site that we should look at within scope, because there are fewer feasibility constraints to developing here. I also share concern that we shouldn't pack in affordable housing on one site. I ask the team to look at what are the levers the community would have if we were to decide to develop Blair Park. It is on a high traffic thoroughfare, and we would like to have some say in how the development would occur, in order to mitigate impact on the broader community.
Claire Parisa	In response to the comments so far, I know it is hard to have affordable housing spread out because you usually need 40-,50-,60- units before you can put the financing together. The two sites where this could happen are the Corp Yard and Blair Park.
Rani Batra	There is a tension and lots of trade-offs that need to be made. We don't want to over-rely on ADUs, but this may be the best way to get affordable housing.

GOALS, POLICIES, & PROGRAMS	
Commentor	**Comment**
June Catalano	I do think the City should develop more detailed ways for ADUs to be affordable and incentivized and be tracked for how they are being used.
Claire Parisa	I want to express gratitude again. Such a robust set of programs and policies to tackle the housing issues from increasing supply to educating residents. I have a few specific comments: 1) The creation of an affordable housing fund (3E). This suggests that a fund could provide financial support for ADUs. Could we instead use this fund for the development of 100% affordable multifamily housing? BAHFA could administer, if we don't have capacity as a City. In order to build affordable housing, most of the funding is public and comes from a locality, and so this fund could be a source. 2) Regarding rent-restricted ADUs, Linda Loper made a comment, I don't know how closely we monitor these rent-restricted ADUs. It shouldn't be overly onerous for owners, but the City could ask owners to self-report once a year what it is being used for and how much rent is. Also the City could make an effort to educate tenants, make sure they understand what rents are eligible for ADUs that are rent-restricted. 3) I would encourage the City to commit to some type of realtor education or a set of best practices that could be posted on the website about implicit bias, and how practices that we take for granted are contributing to an exclusive community. 4) Regarding 1L: I am hoping we will get affordable multifamily housing built. I would also love to see more specifics here on using the Measure A1 funding we have as a City to build low-income multifamily housing, please link this to 1L. It would be interesting to think about the possibility of creating ownership opportunities for moderate income and below moderate income. I would encourage the creation of some units, perhaps as part of the specific plan, for home-ownership for folks of moderate income. I wouldn't want this to be at the expense of affordable housing.

Rani Batra	I commend the team and the breadth and depth and variety of policies and programs. Can you clarify the provision of 2D to condo-ize apartments? Is this stating a preference for apartments over condos? Would this limit the ability to turn a large single-family home into multiple units?	*Kathryn: 2D is intended to mitigate a loss of affordable units for existing tenants in rental units; we are not eliminating the opportunity to condo-ize an apartment building, but rather are trying to have some measures to safeguard against losing affordable apartments. Kevin: It's a continuing policy from the past*

		and current HEU - if we do lose a rental unit it needs to be made up for elsewhere.
Rani Batra	Regarding Program 1N, what was the thinking behind a potential municipal tax increase for ADUs?	*Kathryn: the intent of the program is to get an understanding of the relationship between increasing ADU production and maintaining the high quality of City services. This would be done in the context of not wanting to add additional constraints to housing development.*
June Catalano	Re: Site map of the City-owned sites in appendix B, it would be helpful to show specific densities that are included in addition to the cross-hatch.	Kevin: City-owned facilities in the civic center area have been identified by the City as needing remodeling or replacement to bring them to modern safety standards and to better serve the community.

PUBLIC COMMENT

The table below includes public comments in the order they were received.

Ellen Greenberg	Thank you to the Committee, the consulting team, and staff. The draft represents a commitment to looking at solutions that we haven't considered before. I would request more information on the quantified objectives. The RHNA number is enormous, and the quantified objectives table represents 235 units, how was this number derived? I am focused on getting housing produced in the near-term. Is the quantified objective a number that represents sites and projects we can deliver on? I also want to support what Kevin mentioned about the Civic Center, and the Corp Yard might just need some skilled site planners.
Sarah Karlinsky	I would like to compliment the staff, the draft is excellent. I would like to praise putting public sites up for consideration. Regarding the issue of the City charter, I am pleased to see it's addressed, we will need to take decisive steps for future cycles. Our charter which requires that any rezoning must go to City-wide vote is very unusual.

Elise Marie	Thank you. I wanted to talk about ADUs. David B talked about their importance given we don't have a lot of sites, how will these be rented to protected classes such as seniors etc? I am a caregiver here in Piedmont. How can we track and get aggregate data on who is renting these ADUs? How do ABAG numbers relate to the context of Piedmont? For example, our median income is twice that of Alameda County. So I worry that 70 ADU units built in the next few years won't be affordable.
Susie S	I live in Piedmont and thank you for a fantastic presentation. Regarding Zone C & D I am excited to see these listed. These are occupied by businesses, and many have buildings on them. Would these sites yield the units for these areas? Has the City contacted owners to see if they'd be interested in developing?
Andy Madeira	I am a long time Piedmont resident; I want to commend everybody's participation on this council, and the staff/consultant team. HEU work has gotten more complex, and hence has gotten more scrutiny. David noted that we don't need to build 587 units, but we want to see 587 units built, and I hope this HEU will be drafted realistically with programs that will make these do-able. Blair Park was not included, and I am surprised it was taken off the sites inventory. I would encourage it to be put back on. I support everything that Claire said, and we are trying to use A-1 funds.
Rob Lautt	I would like to see a vision-driven housing element, one that inspires the community; we should be more inviting for more folks of mixed backgrounds. We owe our privilege to historically racist laws and practices. I would like to see substantive anti-racist progress; there should be a greater proposal for affordable housing across zones A&E, and please consider policy K for small site affordable housing, so we can have smaller units, duplexes, and triplexes for affordable housing. I would like to give my email so folks can get together and discuss more, email me at: Piedmontjustice2022@gmail.com.
Randy Wu	This has been a really good dialogue. As housing experts, you know there are many obstacles for housing projects to overcome and only a fraction of what is planned will be built. Please offer your best advice to the Planning Commission and City Council. Do not leave the City's best player on the bench: Blair Park should be in the site inventory and developers should be offered to submit proposals. Strength in numbers.
Irene Cheng	Hi, I am calling in from PREC, thank you, we will be submitting feedback in writing. Strategy seems to be to select publicly-owned and church and temple sites. I would like the HEU to incrementally alter zoning in A& E to allow duplexes and triplexes. A&E constitutes most of the land in Piedmont, and to increase zoning allows gentle and equitable density throughout the City. Single-family housing is now well-recognized as borne of racism to maintain exclusion. We shouldn't have these laws on our books. Oakland and Berkley are eliminating SFH, we should follow suit and the state has taken us half-way with SB9, etc.
Alice Talcott	Thanks for the opportunity to provide some comments, I'm pleased with the direction of development. Our RHNA goals will only be met if creative methods are used. As an affordable housing developer, the City will need to use public land. A lot of these sites in the end may not be feasible. I would propose that the plan take a more expansive view of public sites and the Corporation Yard, and shouldn't exclude anything at this point. Put everything on the table, including Blair Park.

	Encourage a process that will allow us to take advantage of A1 funding.
Jill Lindenbaum	I am running a program for home-sharing, and am excited by the commitment in the current HEU to promote this. Very low-income housing needs are in tension if you are focusing on landlords that are also themselves low-income, as they are likely to ask for higher rents. Would like to see an expansion of the housing fund, so could for example fund home-sharing opportunities. Rental assistance needs and housing trust programs could be funded by grants and a city-fund. I would like also to see more studies of small sites.
Liz	I live in the neighborhood that surrounds the Corporation Yard, and I am concerned about all the new units in that place. I hope the Committee will look into spreading affordable units throughout the City. Will there be a sound study or study that looks at environmental impacts? How do we get informed about upcoming meetings?
Vincient Fisher	There is a disproportionate number of low-income units that are proposed on large sites (100+ units); I agree that we should distribute low-income units. Moraga traffic will be exacerbated. Make new members of the community integrated with the larger community.
Garrett Keating	Questions about ADU's incentives: every 2 feet you go up you get 2 feet back. With a 12' setback on a carriage house, what is the height limit? Is there a number of housing units converted - I wouldn't change the charter and don't encourage densities in Blair Park. I would go back to the drawing board on equitable distributions. There should be more private land to develop than public land. I advocate to staff to pose an idea and push the RHNA envelope.
Deepti Sethi	Looking at the map there seems aggregation of units and a direct impact on a small swath of the community. This doesn't reflect an equitable distribution. Look at what the City Council in 2021 encouraged, which was to equitably distribute low-income housing, what is the impact on residents? I agree that A&E zones should be considered. Please think critically that you are asking a few residents to bear the burden.
Eric Loucks	Thanks for all your efforts, I hope it comes to a greater good. I am concerned about putting low-income housing in one corner, the furthest from the schools where there is no transportation and it's not a safe walkable area and people are going to have to drive their kids to school. In addition, there are no sidewalks or curbs, and no way to get a firetruck in there without blocking one way roads. Hope that it is looked at.

HAC CONCLUDING REMARKS

Jane Lin	The consultants have done a great job, I am very appreciative. I acknowledge all the speakers today and their visionary comments, this town has some very caring folks. I advocate for more bravery and to think about more options. I agree that we should support more thinking about where residential is allowed. East Bay cities are looking at the missing middle and looking at 2-4 units by right. Could some development look like SFH and fit into the existing fabric? I support more master plan studies that looks at the civic center as a whole and thinks about how this space works, also Coach's field and Blair Park. The housing that is being proposed feels at the edges and is in places that aren't residential now. We may lose these spaces as assets so it is important to protect some of the commercial and civic lands. Can we make more efficient use of land in conjunction with housing? Can we consider densifying carefully? This would require revisiting the charter. I would like to see all zones considered eligible for more housing. I appreciate the public outreach, especially the banners! Visibility of the banners are really effective without needing to do mailers. They are a great tool that inspires dialogue.
Rani Batra	We heard a lot of helpful comments, I would like to highlight a few: can we find ways to spread development throughout the community so that folks are integrated? How do we balance this with cost implications? A number of people flagged Blair Park as a site that should be in scope. We will consider all comments as we refine and update the element. I thank the community. We have such a wealth of talent and passion. Also, the Housing Element is only one tool, and we have other tools at our disposal including state legislation, which we will continue to parse as we move forward.
Clair Parisa	I am concerned about building affordable housing in certain areas of Piedmont and want to point us to the site inventory analysis. 211 units are outside of the ADU scope, 70 would be at the center of town and there are some sprinkled throughout town. We can't build small amounts of units due to finances. I heard concerns about having housing in one place, we should reframe housing as a benefit rather than a burden and consider that new housing might go to folks that already work in our communities (fire, police, teachers, etc.). I would encourage folks to put aside their preconceived notions about who is applying for affordable housing. Diversity of our community-- income, race, gender-- benefits our community.
Jane Catalano	In response to Parisa, we do want to see diversity, but equity requires that housing be spread throughout the community because that is the only way to achieve diversity. I think we can do better.

HOUSING ELEMENT UPDATE- PARK COMMISSION SUMMARY

Format: Zoom Virtual Webinar | May 4, 5:30pm

The purpose of the Piedmont Housing Element Update presentation at the Park Commission meeting on May 4, 2022, was to:

- Communicate with Piedmont's civic leaders
- Provide sources for Housing Element information
- Provide an additional forum for public comment
- Highlight the opportunities and tradeoffs of new draft housing programs and sites inventory

Feedback received will be considered by the Planning Commission and City Council in making their recommendation to submit the Draft Housing Element to the Department of Housing and Community Development (HCD) in this summer of 2022.

The Park Commission meeting was held virtually via Zoom Webinar on Wednesday, May 4, 2022, beginning at 5:30 p.m. and was facilitated by the Department of Public Works. City staff and Lisa Wise Consulting, Inc. facilitated the presentation on the Draft Housing Element to the Commission. The agenda and the staff report were posted on April 29, 2022. The presentation slides are posted to the project website: piedmontishome.org. The presentation outline is provided below:

1. Introduction, RHNA, and 5th Cycle Housing Element
2. New 6th Cycle Housing Element Requirements
3. Overview of Available Sites Inventory and Housing Plan
4. Fair Housing Goals, Policies, and Programs
5. Next Steps and How to Find More Information
6. Public Comment

ATTENDANCE

City Staff

- Daniel Gonzales – *Public Works Director*
- Pierce Macdonald – *Senior Planner*
- Nancy Kent – *Parks and Projects Manager*
- *Nick Millosovich – Public Works Supervisor*
- Alyssa Dykman – *Sustainability Program Manager*
- Mark Enea - *Administrative Assistant*

Park Commission

- Amber Brumfiel - *Chair*
- Patty Dunlap

- David Johnson
- Kimberly Moses
- Eileen Ruby (not in attendance)
- Tom Smegal
- Robin Wu

Consultant Team

- **Lisa Wise Consulting, Inc. (LWC)** – David Bergman, Kathryn Slama, Stefano Richichi

MEETING SUMMARY

Chair Amber Brumfiel brought the meeting to order, welcomed public attendees, and explained the purpose of the meeting. The City moderator, Administrative Assistant Mark Enea, then gave an overview of the format of the meeting, including the protocol for public comment. Kathryn Slama (LWC) and David Bergman (LWC) presented the topics as outlined above. At the end of the presentation, time was given to the Park Commission members to offer comments and ask clarifying questions. City staff and the consultant team responded to Park Commissioner questions. After the presentation, the Park Commission accepted public comment. Speakers were allowed up to three minutes of comments, and there was no cut off on the number of speakers. Following the public comment period, members of the Park Commission were invited to make concluding remarks.

PARK COMMISSIONER COMMENTS AND CLARIFYING QUESTIONS

The bullets below include Park Commissioner comments and questions. City staff and consultant responses are provided in *italics*:

- Blair Park is included as an alternate site. What does that mean?
  - *The Specific Plan section of the Sites Inventory in the draft Housing Element describe potential capacity at the Corporation Yard. The State recognizes a deference towards parks and open space, whereas the Corporation Yard is an asset where a public-private partnership could develop.*
- Please clarify the goal of energy and sustainability.
  - *This means that development must comply with Title 24 and any City-specific policies, such as the reach codes and the Climate Action Plan, and also refers to jobs/housing balance and greenhouse gas reduction goals of AB 32, SB 375.*
- How do the plans take into account the expansion of Coaches' Field? Also, there is a reservoir in that area that isn't being used by EBMUD that could be used for housing.
  - *The City met with EBMUD and they were clear that that reservoir is important for our water infrastructure, and it is not included as a viable site. We are aware of plans to expand Coaches' Field. There has been a lot of thought that has gone into putting this into a specific plan (e.g., reconfiguration of Corporation Yard facilities, infrastructure, grading, etc.).*
- If someone builds an ADU, is it ok for a family to live there?
  - *Yes, this would count as a unit needed under RHNA.*
- Why are there only 30 units in the mid-slope location at the Corporation Yard?

  - *The steepness of the slope would require a lot of grading; that's why there would be fewer units there. Sites closer to Moraga Avenue are flatter and could accommodate more housing. But this would be figured out through the specific plan process subsequent to the Housing Element Update.*
- Is that blue area on the map Zion Lutheran Church?
  - *Yes, they're willing to consider housing there.*
- Will the City have to develop below-market-rate units at City-owned sites? Would the City have to sell its land for that purpose?
  - *Those details have not been worked out yet, but the Surplus Land Act sets the parameters by which public agencies sell land to the private sector. The specific plan would proceed under the Surplus Land Act.*
- Will another EIR have to be done for future housing development projects?
  - *The City is preparing a programmatic EIR to address the Housing Element. Future development could tier off of that EIR, but it would depend on the proposal.*
- Why was Blair Park not on the table in terms of including it as a site?
  - *The State (and City) have a deference to park spaces. Also, it could set a precedent for the City or for other cities in the Bay Area to develop park land.*
- In Berkeley, the regional water quality control board would want to daylight creeks that are in culverts (where there was once a creek there). Where does that factor in?
  - *The City's CEQA consultant, Rincon, is looking at hydrology through the EIR, but Piedmont does not have a requirement for creeks to be daylighted.*
- We (the Park Commission) would like to have input on the plan in terms of elements that address habitat, open space, parks, and street trees.

PUBLIC COMMENT

Only one public comment was received:

- The Housing Element should cite sections from the General Plan, including the Sustainability Element. We need safe pedestrian and bicycle transportation, as we have a lot of undeveloped land, a lot of it near transit; the Corporation Yard and Blair Park require vehicles. We need to equitably distribute housing throughout our City and get creative with Zones A and E.

SPECIAL PLANNING COMMISSION MEETING SUMMARY

Format: In-Person & Zoom Virtual Meeting | May 12, 2022 - 5:30pm

The purpose of the Special Planning Commission meeting on May 12, 2022, was to present key findings and recommendations of the City of Piedmont Draft 6th Cycle Housing Element and provide a forum for feedback and discussion from members of the Planning Commission and the general public. Feedback received will be considered by the City Council in making their recommendation to submit the Draft Housing Element to the Department of Housing and Community Development (HCD) this Summer.

The Planning Commission meeting was held both in-person and virtually via Zoom Meeting on Thursday, May 12, 2022, at 5:30pm. City staff and the consultant team (Lisa Wise Consulting, Inc. and Plan to Place) facilitated the meeting. The agenda, presentation and staff report were posted on the project website: piedmontishome.org. Approximately 50 members of the public attended. The meeting agenda is below:

1. Welcome, Introductions, & Housing Element Overview
2. Sites Inventory
3. Goals, Policies, and Programs
4. Next Steps
5. Public Comment
6. Planning Commission Recommendation

ATTENDANCE

Meeting participants: approximately 50 attendees

City Staff

- Kevin Jackson – *Planning and Building Director*
- Pierce Macdonald – *Senior Planner*
- Suzanne Hartman – *Planning Technician*
- Mark Enea - *Administrative Assistant*

Planning Commission

- Rani Batra - *Chair*
- Jonathan Levine
- Tom Ramsey
- Douglas Strout
- Justin Zucker (Alternate)
- Yildiz Duransoy (not present)

Consultant Team

- **Lisa Wise Consulting, Inc. (LWC)** – David Bergman, Kathryn Slama, Stefano Richichi
- **Plan to Place** – Paul Kronser, Rachael Sharkland

MEETING SUMMARY

Chair Rani Batra brought the meeting to order, welcomed public attendees, and explained the purpose of the meeting. The meeting moderator, City's Administrative Assistant Mark Enea, then gave an overview of the format of the meeting, including the protocol for the public comment section which occurred both in-person and virtually. Kathryn Slama (LWC) and David Bergman (LWC) began the presentation with a high-level review of the Housing Element, including background, components, document organization, key findings, and project FAQs. Following the overview, the presentation was organized into three sections: 1) Sites Inventory; 2) Goals, Policies, and Programs; and 3) Next Steps. After each section concluded, time was given to the Planning Commission members to offer comments and ask any clarifying questions. After the presentation, the Planning Commission heard public comment where speakers were allowed up to two minutes to voice comments, and there was no cut off on the number of speakers. Following the public comment period, members of the Planning Commission led by Chair Batra asked City staff and the consulting team some of the frequently asked questions from the public comment period. Next, the Planning Commission members were invited to make comments, ask questions of City staff and the consulting team, prior to making a final recommendation. After comments and discussion between commission members, City staff and the consulting team, Chair Batra reviewed the proposed revisions to the Public Review prior to a motion to adopt the resolution as provided by staff with additional modifications and roll call vote. The motion passed 5-0 to send the Draft Housing Element Update to HCD.

PLANNING COMMISSION COMMENTS AND CLARIFYING QUESTIONS

For a summary of Planning Commission questions and discussion, please see the Planning Commission Meeting Minutes, available here.

PUBLIC COMMENT

The table below includes public comments in the order they were received.

Commentor	Comment
Beth Sala Covin	Lived in Piedmont - for 17 years we've lived in New Jersey, Princeton. They have affordable housing requirements, great town and on forefront of de-segregating their schools. One experience was at one point the hospital was outgrown and CEO demanded a new building and found cheaper land the one town over. They thought replacing a non-tax generating property by an apartment building that did generate taxes was a good idea. But they didn't do any economic feasibility. The schools were stretched to capacity. Housing prices didn't rise, lastly, I don't understand this plan and why Piedmont isn't seeking some type of exemption? Really the City plans to build more housing next to the hayward fault?
John Malick	Resident and architect, since 1982. Built a lot of homes in Piedmont, I believe we can commit to kinds of multi-family housing without overwhelming the City or diminishing quality of homes. There are examples of multifamily housing that live comfortable in our community and fit into the fabric of our City, so I visited 5 multi-family projects that you don't know where they are because they're built prior to 1945 and become part of the texture of the community. The fears that people have about density are not in conflict with what folks like about Piedmont, namely that it is walkable, the transit and services. I have confidence that in

Commentor	Comment
	Piedmont we can have density and won't diminish these qualities, that in fact density could allow us to have a coffee shop or restaurant. When this community was built it was for the car. I do have a question for consultants? What is the median lot size in residential areas? The consultant said SB 9 only applies to larger lots, but I believe would apply to all lots in Piedmont. See images below.
Demitri Magganis	What are the tax credits from the state? What is if any, are restrictions on public/private partnerships and what agreements can they make?
Kristen Harknett	Piedmont Resident since 2014; I am excited the community is thinking proactively to address affordable housing crisis; we should be taking leadership and removing barriers. We have a huge affordable housing crisis and I believe affordable housing will enrich our community, I want childcare providers, teachers, doctors to be able to live here. Make it easier to build more housing.
Dai Meagher	Regarding timeline, CEQA should have started: 1. Could someone discus why that hasn't started? 2. Housing grouped in income categories and how is that enforced, low income housing in a certain place that never developed. 3. When are the traffic studies going to be incorporated to accommodate new traffic 4. Clarify zoning that has to be passed in a certain amount of time and charter city zoning has to be passed with a majority vote.
Bob Eisenbach	Highlight use and purpose of 130 units on Corp Yard, Moraga Ave; please reconsider. Moraga has only two lanes, can't accommodate the building of this number of units from a traffic standpoint. Other issue, which is wildfire risk; that area is at heightened risk, prospect of intentionally building here, doesn't make sense. Not practical, realistic site. How would we get out of Piedmont if there is a fire? Instead suggest the kinds of units showed from Redwood City, Walnut Creek on City Center and on Grand Avenue where already mixed use.
Rick Raushenbush	Blair Ave. I appreciate everyone's effort on drafting this element. My interest is not just having Piedmont comply but have some affordable housing be developed. City owned land as a prime location. 172 units were to be developed don't suit where they are to be built and the City will be forced to consider other locations during CEQA. Blair Park should be considered not just as a backup site. Has good site characteristics (access, site, etc.) Staff report says it was excluded because of parkland needed and should be put into the inventory now.
Rob Lautt	Privilege to live here; some of privilege due to systemic biases, these are real and intractable. This is an opportunity to take a baby-step to address. 500 new units is the right thing to do, not whether, but how. Challenge City to inspire us! Remind us, we are in this together. Don't concentrate housing in places that can't be imagined. Enrich our city!
Naomi Stein	Represent synagogue - made up of 600 families and member of homeless action committee - aware of effects of housing crisis. Lend my voice to say that the synagogue is in support of affordable housing, remind us of civic, moral and spiritual responsibility and now is a time to address these historic wrongs.
Liz Lummis O'Neil	Really happy about full-hearted plan to welcome low and mid income families. We moved here because we get to see trees. Our property prices would go down if you build on the Corporation Yard. Infrastructure can't support increased density. Sound study, what would impact be with 130 units? Also privacy is a concern. Please plan for landscaping to maintain privacy. Consider Blair Park, much better site.

Commentor	Comment
Irene Cheng	Co-chair of equability in housing - what the state is asking us to do is a tall order and want to applaud the City/team. Piedmont has had a prior experience of up zoning on Grand Ave., and other techniques presented are all great ideas and worth pursuing. Not one of these strategies will be enough - we have to add new housing everywhere. Most land is privately owned and an obstacle to build new housing.
Sarah Karlinsky	Member of PREC and a mom, echo Irene, impressed with the work. Vision: should be positive, plan can be wonderful, rectify past ills, better community for all. There is declining enrollment in our schools. Fulfill moral and legal obligation to build more housing for all.
Hugh Louch	Resident of Oakland and chair of ped bike committee, thanks to staff and team and appreciate time and effort put in. Supportive so far what has been put into the housing element. Moral effort to bring affordable housing into the region. We need to do more than what is listed in the plan, not all will happen and need a nice buffer but to look beyond and add more sites. Piedmont has high rates of transit use and we're very close to the region. Go bigger on Civic Center site, big opportunity there to combine street space (e.g. Highland Bend) with Civic center sites.
Tyler Lopez	Specific to areas under consideration: concern around density in City yard and use of Blair Park. Specifically, around fire risk and traffic, how you would get in and out? Highly problematic site is the Highland Grassland strip. How would you get 10-20 units here? Advocate for removing sites that less suitable such as the median, which would dramatically alter the character of the City. I would ask that we consider the conservation of community and character.
Elise Marie Collins	Live at Sierra Ave. with my parents in their 90's. I want to address fair share of housing and eliminating barriers for construction from a health and equity perspective. Thank you for taking this on tonight. Grew up in Piedmont in 1960's, when population was majority white while Oakland was majority black. This was problematic and we didn't learn about this in school. My parents live in a high resource area and people in high-resource area live 15-20 years longer than those that live in other areas. Your zip code determines your life expectancy more than your genetic code. Really excited that Piedmont has the chance to change these invisible walls.
Ronna Kelly	Bigger picture: Bay area experiencing homelessness and housing crisis. Per capita income here is substantially higher here, time for us to stop living in our bubble and take responsibility for crisis. Be bolder and more creative. Show more leadership. All of the above approach, consider all strategies, Blair Park study more closely, feasibility plan. Blair Park is underutilized, also more inclusive vision in Civic Center. Cemetery? Increasing densities. Let's remember for people that are living in third world country conditions. Help address regional crisis.
Pam Hirtzer	30 year resident of Piedmont - a lot of my property extends into the canyon, several years ago the Piedmont soccer club proposed putting a field in Blair Park - previously addressed issued it would have caused. Proposal here is to have Moraga Canyon to carry the brunt of the units proposed and it doesn't have that kind of carrying capacity within the physical constraints of the canyon, because there were several studies. Canyon is a tinderbox and fire hazard is huge, loaded with people it will burn.
Garrett Keating	Incorporate more elements of General Plan update; won't get as many units as we've proposed. ADUs impact on our privacy. Incentives for ADU need to be scaled to Zone A. Stipulate a setback. AFFH - city council for equitable distribution, so why putting everything

Commentor	Comment
	in the canyon? As I understand the timeline, the deadline is January 2023, we should take some of those months now so more time for public feedback and analysis. I appreciate the effort of staff, this committee, and the consultant team.
Dan Saper	We all live here and will go to Piedmont schools - commend City Council. We are deeply committed to community. Broadly support this plan across all facets especially allowing people to build more if their lots can allow it. Build in meaningful ways even beyond what the plan proposes. Let go of our limiting beliefs, we can allow Piedmonters to build in tasteful ways to meet our housing needs. I was embarrassed to see the articles in the news that reported our population was 1% white 100 years ago and hasn't changed today. I don't want to see a City that is predominantly white but rather one that can become a beacon of light.
Deborah Leland	Question relates to how difficult it is to achieve affordability, best tools is allocation of A-1 funds; as we get ready to go to board of supervisors, it isn't clear how the Housing Element as drafted allows for the use of these funds within the timeline? Point I would like to make, this is a tough format with 2 minute snippets for understanding the Update, we would benefit from more direct dialogue, ask the City to have some housing round tables, forums where people can talk and can be facilitated. City is very full of smart folks.
Frances Fisher	Live on Fairview Ave, feel like from when I was a child it has become more exclusive instead of inclusive and appreciate ideas that have been put out there. ADUs being added is great but many adults aren't allowing for low income. Potential for changing residential zones to allow for duplexes/triplexes. We need to consider all sites in Piedmont, all need to take responsibility.
Deepti Sethi	Conversation led with no requirement for distribution. Tokenism in this community is insulting and concentration of housing in one area perpetuates segregation. Also concentration of housing negatively impacts the price of property. No acknowledgment of how impacts specific property owners, we put 20% down on our home and this will wipe us out.
Suzie Struble	Live here in Piedmont with 2 children - lot of opportunity and intel on community engagement around this and more of this can happen. Different format, smaller groups where people can have chats - similar to Pool project where we got creative about problem solving. Do more.
Jill Lindenbaum	Seeking vision from leaders, we need more community engagement. We should study all available sites for affordable land, we should look at all publicly-owned land. Specific focus on downtown area. Consider that we have an aging veteran's hall, why not rebuild and add an art center and having housing above. or put housing in parking lot? Site selection areas that rely so heavily on religious institutions? Also address the affordable housing fund, just don't want to see it tied to one program, such as the ADU. Should be available for all programs.
Claire Parisa	Member of the HAC. I commend City staff and consultants and developing a plan responsive to ideas. I wrote a letter; hope you have had a chance to review. I agree with others that A1 funding should be allocated to all affordable housing projects, not just ADUs. Please include a continuing education opportunity for real estate agents that share best practices regarding equity and access. Blair Park needs to be included as a primary site and is most obvious site in town with exception to park - better fire access and presents a real opportunity to develop for affordable and senior housing. Meaningful charettes for people in the neighborhoods to gather information.
Andy Madeira	Express appreciation to consultants and staff; thank you for information on AFFH. AFFH not a bar to developing affordable housing, it's a requirement, and the best way to do this is

Commentor	Comment
	through density. Pro-affordable housing, I felt more optimistic from a lot. Deb's question around A-1 funds, look for ways to use these funds toward affordable housing. Blair Park should be considered. I don't see any other site as feasible. Envisioning a future Piedmont that is diverse and welcoming, and redress racist policies of the past.
The Twins	Maria De Avila, one of less than 4% of Latinos in Piedmont. We are your neighbors; we live on Grand Avenue and we are just as valuable as others that live in Piedmont. We too are concerned with property values. Please don't concentrate housing and all of Piedmont must share responsibility - please consider Blair Park.
Alice Talcott	20 year resident; thank you, very thoughtful. Step up and address regional housing crisis. I work for affordable housing non-profit developer. Brooklyn Basin, we had over 550 applications for 130 units. The need for housing is overwhelming and we must help meet this need. I support sites and think Blair Park should be included. Think about the voices that aren't heard tonight, that have been excluded. Need to be welcoming.
Carol Galante	Address two points, agree with all commentary - I agree that this needs to be an all-of-the-above, need more housing everywhere in Piedmont. Plan does that generally. Blair Park site, questions whether should be called a Park, because it is essentially undeveloped, excess property that was never developed. So should be developed as residential as rest of the community around it. To my Moraga Canyon neighbors, I disagree with your argument that this plan concentrates housing in one area. It looks at sites throughout Piedmont. Think we should create an incredible Civic Center if we concentrate the Specific Plan in this area. Plan looks at all the areas of Piedmont and strengthens specific plan on that. Finally, you cannot say that building housing in the canyon is segregating. Adding multi-family housing to exclusionary single family zoning, cannot be considered segregating, and all areas in Piedmont are high opportunity and will compete well for funding. Please add Blair Park to the list!
Randy Wu	Thank you all, process hasn't been rushed, there have been plenty opportunity for public to participate. Our allocation is small compared to other cities. Oakland over 26,000. We are planning for our fair share of housing. We are in an affordable housing drought.
Vincent Fisher	Not going to praise consultants because weren't bold enough: putting all housing in one area is not visionary. Proposing housing in A and B would be bold and I think Blair Park and C Corporation Yard should be included. Put yourself in the place of the new people, we want people that work here being able to live here. Spread out a bit - try to be as bold as you can and share burden.
Catherine	Documents are heavy and long; see an environmental report at very least. Traffic analysis would be helpful. Property values being impacted.
Scott Mortimer	Live in northern Piedmont - thanks to staff and team for efforts - agree that this is an all of the above solution and big step forward. Written comments about downtown civic centers and concentration of housing and these can be best handled with time. Recommend that there be adequate time to make comments to the document and premature to submit to state. PC should pause at this time and not approve the plan as it stands so we can have time for community members to submit comment.
Mike Henn	Submitted a letter, please take a look and ask questions. Concentrate now, agree with Malick, we can be adding units and stay within the beautiful fabric of the City. This can be done through lot splits, ADUs, and duplexes. SB9 enacted to allow this to happen. HCD is receptive to SB 9 units being incorporated into Housing Elements. March 2022 HCD paper

Commentor	Comment
	outlines how to do this. Unrealistic sites are included in the sites inventory including Ace Hardware, Schools etc. These sites are never going to happen. Blair Park is only viable site for large multifamily development. But I would want to concentrate on overall densification within the fabric of the community.
Michelle Mazzeo	Teacher in PUSD - make a plug for teachers who can't live in Piedmont. Important that teachers have opportunity to live in the community they teach in. Increase affordable housing in Piedmont! Students with exposure to different kinds of folks have better sense of empathy.



Submitted by John Malick, May 12, 2022

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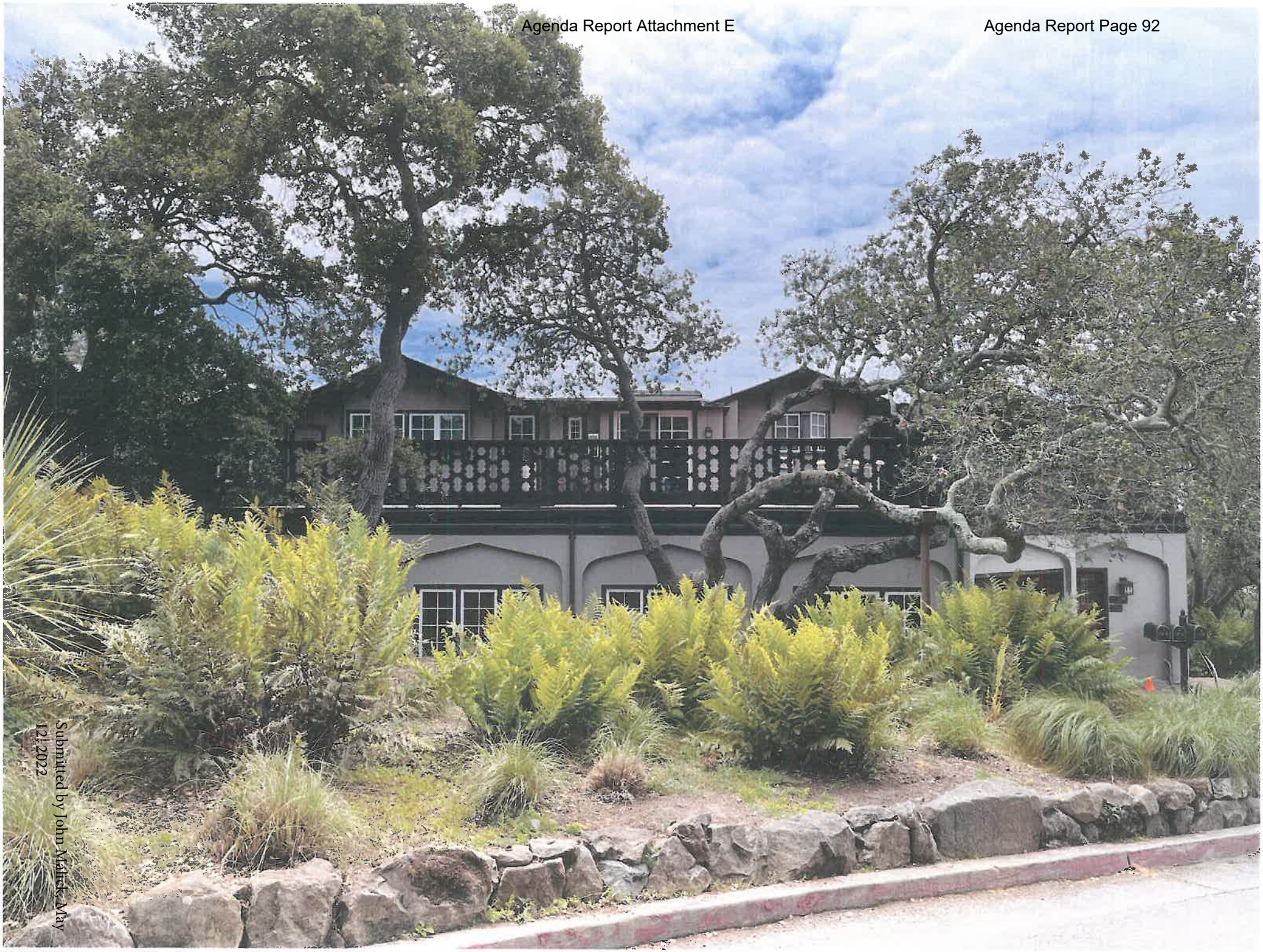
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May 12, 2022

HOUSING ELEMENT UPDATE- RECREATION COMMISSION SUMMARY

Format: Zoom and In-person | May 18, 7:30 pm

The purpose of the Piedmont Housing Element Update presentation to the Recreation Commission meeting on May 18, 2022 was to:

- Informational report to Piedmont's civic leaders about the Housing Update
- Provide sources for information
- Provide a forum for public comment
- Highlight the opportunities and tradeoffs of new draft housing programs and sites inventory

The presentation slides are posted to the project website: piedmontishome.org. The presentation outline is provided below:

1. Introduction, RHNA, and the 5th Cycle Housing Element
2. New 6th Cycle Housing Element Requirements
3. Available Sites Inventory and Housing Plan
4. Next Steps and How to Find More Information
5. Public Comment

ATTENDANCE:

Council Liaison: Betsy Anderson
Staff Liaison: Chelle Putzer
Staff Meeting Moderator: Jessica Pomey
City Staff:
Kevin Jackson, Planning & Building Director
Pierce Macdonald, Senior Planner

Recreation Commission: Dick Carter, Jenny Feinberg, Lisa Gardner, Rebecca Posamentier, Susan Terrill, Aamir Virani

Consultant Team:
Lisa Wise Consulting, Inc. (LWC): David Bergman, Kathryn Slama

Audience: 1 in-person and approximately 11 people on zoom.

MEETING SUMMARY:

City Staff introduced Kathryn Slama (LWC) and David Bergman (LWC) who presented the topics as outlined above. At the end of the presentation, time was given to the Recreation Commission members to offer comments and ask clarifying questions. City staff and the consultant team responded to

Recreation Commissioner questions. After the presentation, the Recreation Commission accepted public comment.

RECREATION COMMISSIONER COMMENTS AND CLARIFYING QUESTIONS:

The bullets below include Recreation Commissioner comments and questions. City staff and consultant responses are provided in *italics*:

- **What criteria will be used to determine viability of a site? And what happens if the city of Piedmont is unable to accommodate?**

  LWC: The State of California has pushed the envelope in making communities think about the likelihood of development of non-vacant sites in this coming cycle. If the site is vacant and doesn't have any built improvements on it, there's not a lot that the state looks at. Non-vacant sites that require redevelopment, the state gives a little more attention to. And they are looking for evidence in the region that sites of that nature would, and could, and have been redeveloping for housing that is anticipated on those sites. So, if there is evidence in the region for sites converting from single-use commercial to multi-family mixed use or multi-family housing without mixed use. That's the threshold the state is looking for. The city is not required to conduct a financial feasibility analysis to assess market cost, construction cost, or any sort of pro forma analysis as part of the housing element.

  Kevin Jackson (Planning & Building Director): The State has given us an allocation along with ABAG, so we put together a set of goals, and programs, and policies that we say will allow for this construction. The Housing Element doesn't say that development has to occur on those sites, and it doesn't say that it can't occur elsewhere. It's just a demonstration that yes, indeed we have some sites, that given the policies and programs we're planning to implement it, it would perhaps occur during the next 8 years.

  LWC: If the city is not able to demonstrate to the State of California that there is capacity to accommodate that need, the city would need to make modifications to the sites inventory and the Housing Plan to demonstrate compliance with state requirements. It is a state requirement to ensure that there is adequate capacity for the full RHNA at all income levels and if that can't be done the city would not be in compliance with state law, and there would be some penalty associated with that.

- **I heard the words 'aspirational' and 'realistic capacity'. Does the Housing Element have to get to 587 units or is it about showing the state we can get to 429? Is there any give and take?**

  LWC: The number 587 does have to be demonstrated as being met in the Housing Element. The city doesn't have to show that there is more capacity than that. A buffer is helpful in case a site doesn't develop as anticipated, but not a state requirement. The concept of realistic capacity is that it would be unrealistic to assume that every single site in the City of Piedmont develops at 100 % of its allowed potential. There are always some site-based constraints. We're trying to

take a conservative approach to make sure there are some realistic expectations for development.

LWC: There are three interrelated but separate concepts. One is this question of 'realistic capacity'. The state recognizes that rarely are you able to build to 100 % of your entitlements; you have setbacks, codes, the geometry of the site. Developments often get less 100 % of their full building envelope, so the state requires us to show 'realistic capacity' based on the evidence from other developments to inform that estimate.

The next concept is 'non-vacant' sites; any sites that have improvements on them. That's pretty much all of Piedmont. New to the sixth cycle is the need to demonstrate that the existing use would not be an impediment for redevelopment over the eight years of the cycle.

The third concept is the finding of substantial fact that the city council needs to make when they adopt the Housing Element, that certifies that there is no reason the identified sites could not be used. Again, new to the sixth cycle is the requirement that you maintain enough capacity in your sites to meet the demand at all income levels.

- **We're not the ones building the units? If we make proper allocations, hopefully someone will come in and build?**

  Piedmont is responsible for showing that it can accommodate 587 new dwelling units at different income levels from above market to low-income. The city responsibility is to show that it can fit, and that they are removing any constraints in the development codes that are unnecessarily preventing that housing from being developed. It's really about setting the table so that this housing can be produced by the private sector.

- **Increasing the number of units required in the Housing Element by ten times is fairly dramatic. I think the question is that if we do this for eight years, are we going to get hit with another tenfold increase eight years from now? If we develop the last remaining land in Piedmont for this cycle, what happens in the next one?**

  This is a complicated and sometimes elusive process. A lot of communities are feeling a lot of what the commission is feeling with respect to the significant increase in the allocations from the state. It's an extreme mathematics equation that is difficult to understand that has put a lot of focus on making up for the lack of supply and construction of the previous cycle, so it's very difficult to say what those future allocations may be for the city of Piedmont or the State of California, because there is a relationship of housing demand and the RHNA allocations at the state level to population increase. There are shifts happening in population in California. We're seeing declines for the first time in a long time so it's very difficult to say what may happen in eight years, so the focus is on accommodating the need now and that may help eliminate some of the pressure to have a higher allocation in the future.

  Pierce Macdonald (Senior Planner): As part of this Housing Element, we have to do a review of the success of the last Housing Element, and we get to continue those effective programs. Because we have a track record, we can show they've been effective and we've produced

housing at different income levels, so in this case we're able to use 140 ADUs to meet our RHNA, because we have a track record of producing up to 17.5 ADU a year over the last three years. When the next housing cycle comes around, we'll be able to show our production of different types of housing units and continue those programs if they're effective.

- **We're being asked to update zoning and regulations in our city so that we can get 587 units. After that the private sector is supposed to take over. Is that right?**

  LWC: The push from the state is not to force everyone to change their zoning regulations. If zoning amendments are needed to demonstrate a capacity, that is one strategy. Or if zoning regulations are identified as constraints to accommodating that housing, then yes, but the ultimate goal is to demonstrate that there is capacity to build.

- **People are fearful we'll be told to sell off community hall, build units there and have a mini-community hall nearby. People think that's going to happen. How do you respond to that?**

  Kevin Jackson (Planning & Building Director): That's not the way it works. In the sites inventory you'll see that for affordable housing the state wants to see affordable housing sites that are greater than ½ acre and less than ten acres. In Piedmont, that is very limiting, and we also recognize that for affordable housing and multifamily projects to pencil out, generally that needs some donated land. So, we've identified some city owned land including what we're on here at city hall and recognizing that the facilities here are underbuilt. We need better public safety, fire, and police facilities. We need better office space and more office space in city hall. Thus, we recognize that in working with a developer, the city can get better facilities and also accommodate some housing. We're not forced to do that, just like any private property owner who is not forced to do anything that's not in their best interest, the city is not forced to do anything that's not in its best interest, so it would have to be a win-win for that to occur. But we recognize there is the possibility for that to come to fruition given the right circumstances.

- **What happens in eight years if we don't hit the 587 number?**

  LWC: The city has to demonstrate through the Housing Element that there is space to accommodate this number throughout the planning period. As projects are built, that shows progress toward that number, so that number starts to go down. If the city does not have that much development over the next eight years, as of now that is not a non-compliance issue. It is maintaining adequate capacity for the need through the eight years. That is the requirement. If there is no private or non-profit sector interest in developing housing, that is how things go and the city could evaluate why things didn't change. There is not a requirement to see that number come to fruition.

  Every year the state requires an annual report on this progress towards RHNA. There's constant reporting back up to the state as to how many units are being built and that information should inform the next cycle state forecast as to how much everybody needs to accommodate. Compliance is your plan meeting State Law. Separate, but related, is a requirement that

communities that haven't met their low-income housing goals are required to allow ministerial approval of affordable housing projects.

- **So, it's that the plan must demonstrate capacity to achieve additional housing units? It's not a requirement that over the next eight years the 587 units actually be built. Is that correct?**

  That's correct.

- **Is there anything in the plan we should be aware of or relates specifically to recreation?**

  Kevin Jackson (Planning & Building Director): Not necessarily, except for the city-owned sites and how they might affect our facilities that relate to recreation.

- **Potentially the use of Blair Park for housing rather than recreation?**

  Correct. Right. Or if 801 Magnolia is identified and we replace the all-purpose room there somewhere else, so we still have the capacity to have all the programs recreation currently has.

- **One of the things about Piedmont is that we actually don't have enough parkland for the population, so we're already in a scarcity situation. Does part of the Housing Element address increasing the open space as we are increasing the density of housing?**

  Pierce Macdonald (Senior Planner): We've heard that comment a lot about services in general including recreation services. And so, the draft Housing Element includes some programs to assess an appropriate impact fee that development should pay in order to continue the high quality services the community has. We're not really in the position to annex more land, but we could standards and we could collect this impact fee to expand recreation programs or create new multipurpose spaces and keep up with our growing population.

THERE WERE NO PUBLIC COMMENTS

SUMMARY OF PUBLIC COMMENTS & QUESTIONS

June 6, 2022

List of keywords/ themes

The table below summarizes the frequency of keywords (or themes) that emerged from an analysis of approximately 550 comments and questions received through the following sources, listed in alphabetical order:

- Community Workshop #1 (12.2.21)
- Community Workshop #2 (3.24.22)
- Direct comments submitted via email or Piedmontishome.org
- HAC #1 (9.29.21)
- HAC #2 (4.19.22)
- Piedmont Housing Puzzle Online Submissions
- Planning Commission Meeting (5.12.22)
- Park Commission Meeting (5.5.18)
- Recreation Commission Meeting (5.18.22)

Comments and questions received through May 18, 2022 were recorded and analyzed. Please note that comments/ questions were each assigned one primary keyword and, depending on the comment, one or more secondary keywords. The approximate frequency is noted in the last column. Community members had the opportunity to send comments in multiple forums. All such comments are included in the summary.

Keyword	Description	*Related*	Frequency
ADUs	Comments and questions specific to the use, occupancy, affordability, and development of accessory dwelling units.	*Methodology For Site Inventory, Assumptions, Occupancy, Monitoring, Affordability*	28
Affordability/Income	Comments related to housing affordability at a variety of income levels.	*Low-income, moderate-income, ability to pay, income of renters*	54
CA State Law	Questions related to application of State Laws in relation to the Housing Element.	*Density bonus, SB9, RHNA, Housing Element Laws*	33
Complete Community	Comments and questions related to community diversity, inclusivity, equity, accessibility, and supporting regional growth.	*Affirmatively Furthering Fair Housing, Tenant's Rights, Equity, Mixed-Use, Retail*	70
Constraints	Comments related to governmental or non-governmental constraints to housing production.	*Development Standards, Rezoning, City Charter, Other General Plan Elements*	72
Development feasibility	Comments regarding the likelihood of development or	*Financing, Assumptions, Development Costs, Relevant Examples or Precedent*	46

Keyword	Description	*Related*	Frequency
	redevelopment of sites for housing.		
Engagement	Comments and questions regarding opportunities for engagement.	*Methods of engagement, Future Events, Recommendations*	27
Housing variety/diversity	Comments and questions related to the type and mix of different housing product types.	*Housing for workers, Young Families, and Seniors, Duplexes, Triplexes, and "Missing Middle"*	65
Impacts/CEQA	*Comments related to potential impacts of new housing.*	*Environmental impacts (e.g. Parks, Open Space), Traffic, Transit access, School capacity, City Services, Financial (e.g. fees, Taxes, or Property Value)*	105
Sites Inventory	Comments related to opportunities for residential development at specific sites, including comments on the City's site inventory strategy.	*Zone Specific Comment, Site Specific Comment, Distribution of Sites throughout the City, Blair Park, City property, Corp Yard, "Buffer" Capacity, Comments received through Balancing Act*	256
Blair Park	Comment related to Blair Park (see below)		82

Blair Park

Due to the high volume of comments and questions regarding Blair Park and its inclusion in the site inventory, the City tracked how many times Blair Park was mentioned, using the following system for coding:

- Blair Park (+) = comment indicating site should be included in site inventory
- Blair Park (-) = comment indicating site should not be included in site inventory
- Blair Park (+/-) = question about the site or request for the site to be analyzed more thoroughly

The table below summarizes findings from all input methods mentioned above.

Blair Park (+)	Blair Park (-)	Blair Park (+/-)
51	23	8

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Online Feedback Form		I would like more retail besides a bunch of banks
Online Feedback Form		I support ADU's, but they should be small with height and dimension limits. They should not impact the homeowner, not the neighbors. Build close to the house not the back property line. Go below ground to keep height low on inclines. Make sure drainage issues are addressed during building and once built.
Online Feedback Form		Better public transportation and bike accessibility should come before an increase in housing, not the other way around. Piedmont is still very car dependent. If there were a grocery store bigger and more general than Mulberry's in the center of town that would be a step to less reliance on cars. Bring back the key line streetcars so we could take a trolley to Berkeley or Oakland. The added cars from a lot more housing would be detrimental to everyone living in Piedmont.
Online Feedback Form		leave existing open spaces alone
Online Feedback Form		I am very concerned that planners, architects and the like who stand to benefit from these changes are moving the conversation forward rather than non planning/housing professionals that will have to live near any new development.
Online Feedback Form		Please don't prioritize protection of rich people's views and 'architectural features', its racist
Online Feedback Form		Please don't dump new housing in Blair Park (on Moraga). We need open space. Let's find other options for additional housing. The state requirements for Piedmont are absolutely ridiculous.
Online Feedback Form		I am concerned about the possible development of housing in Blair Park or the reservoir location on Scenic Avenue. The additional traffic and parking issues seem insurmountable.
Online Feedback Form		I care deeply for our community. I come from a diverse background and believe I have a good understanding of what people are looking for in affordable housing. I am realistic.
Online Feedback Form		Use this to complete a meaningful City Master Plan. Use the Housing Demand to build a sense of place that enhances Piedmont.
Online Feedback Form		There is no space unfortunately for low income housing
Online Feedback Form		As much as I am a proponent of ADUs, I would strongly fight (NEPA and CEQA on my side) the real impact of increase density development on Piedmont.
Online Feedback Form		There should be far more existing community input
Online Feedback Form		I think adding more affordable housing could be one way to increase diversity in Piedmont. I support changes to our zoning and building code that will bring more affordable housing to Piedmont, and urge that action be taken soon. I also urge that the city think creatively about how they foster affordable housing on their own publicly owned property.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Online Feedback Form		I would like to see the City use the Housing Element as an opportunity to create opportunities for families of diverse backgrounds to live in our community. The high cost of housing and limited range of housing types is a major barrier to our city becoming more diverse and equitable. I support changes to our zoning and building code that will bring more affordable housing to Piedmont.
Online Feedback Form		Housing is a social determinant of health. Resources need to be more equitably distributed from high resource areas to low resource areas.
Online Feedback Form		I believe housing can not be resolved independently of other planning issues: surrounding commercial, retail, & public uses. The (welcome & necessary) major housing changes require a model and vision for each neighborhood, and in fact the entire city.
Email	Randy Wu	Housing Advisory Committee, Planning Commission and City Council, The draft Housing Element (HE) released by the Planning Department and its consultants is a bold, dramatic plan for affordable housing in Piedmont. For the past 30 years Piedmont has relied almost entirely upon Accessory Dwelling Units (ADUs) for its housing element plans. For the first time the city will plan for long term affordable housing large enough for new families to move into Piedmont. I applaud the collective effort to issue this draft and offer comments that I hope will make the plan even better. In my opinion the draft HE does not yet meet the feasibility criteria issued by the California Department of Housing and Community Development (HCD) as guidance for the preparation of housing element plans. The primary reason for this is that Piedmont has no history of permitting and building the types of housing proposed in the draft HE. It has no track record for (1) multi-family affordable housing projects on public land, (2) mixed use housing projects in the commercial districts or (3) affordable housing projects based upon the State's density bonus law. Because there is insufficient data for Piedmont the draft HE instead has a list of projects in development on various sites in Oakland (see Table B-7). Without any past production to demonstrate plan feasibility Piedmont instead should follow the HCD approved housing strategy of over-zoning. As background, the draft plan relies upon 140 ADUs plus a Sites Inventory of Zone B public land sites, mixed use sites in Zone D, YIGBY (Yes in God's Backyard) projects in Zone A and primary home development on single family lots in Zones A and E. Added together the draft HE has a surplus of 71 units over the RHNA goal for Piedmont (see Table B-8). This surplus is illusory, and the proposed plan's Sites Inventory should be increased. This can be accomplished through over-zoning as explained below. Here are some observations on each housing component in the draft HE:

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Randy Wu	The primary reason for this is that Piedmont has no history of permitting and building the types of housing proposed in the draft HE. It has no track record for (1) multi-family affordable housing projects on public land, (2) mixed use housing projects in the commercial districts
Email	Randy Wu	ADUs are overstated at 140 units. While this number is based on past production in Piedmont from 2019-2021, HCD requires Piedmont to determine whether ADUs have been used as rentals or as guest quarters and home offices. The draft HE does not have this analysis estimating how many of the planned ADUs will be used as rentals. While it is commonly known that ADUs are not often rented in Piedmont this is not yet reflected in the draft HE. The 140 planned ADUs should be reduced by at least 50% to 70 ADU rental units. This would be a high aspirational goal for the Planning Department in the sixth housing cycle. This reduction would eliminate the 71 unit plan surplus, but it should comply with HCD required analysis for ADUs.
Email	Randy Wu	The 7 Zone B public land sites in the Sites Inventory are backed by Blair Park as an alternate site. This predisposition towards the Corporation Yard and the Civic Center area is not supported by an objective evaluation of public land sites. It also is a preliminary conclusion that should not be made before the draft programmatic EIR has been released and reviewed by the public. Blair Park is the largest, undeveloped and unused site owned by the city. It should be included in the Sites Inventory along with the Corporation Yard and Civic Center sites. This will increase the Sites Inventory capacity and could make the draft HE feasible based on HCD guidance. Over-zoning requires enough additional land for residential development to yield at least a 20% surplus above the city's RHNA goal. Blair Park is large enough to provide a 20% surplus by itself.
Email	Randy Wu	The 5 Zone D sites are designated as Above Moderate or market rate units. The only financial modeling disclosed by LWC in October last year had unrealistically low assumptions for construction and land costs. In addition, the October model inputs included a 15% low income inclusionary requirement which capped rent revenue at the affordable housing income limit. The proposed density of 80 dwelling units/acre for Zone D has not been shown to be feasible under a publicly disclosed financial model for a market rate project. A revised model run should be prepared to support the recommended density. As Piedmont has no track record or market trend for mixed use housing, financial modeling supporting this density should be disclosed.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Randy Wu	The YIGBY sites rely upon implementation of the State's density bonus law in Zone A. This State law is among the most important incentives for affordable housing and has been used in many other jurisdictions. However, Piedmont's Chapter 17 only cross-references this law in Zones C and D. To date the Planning Commission has not granted a density bonus for an affordable housing project in either zone. To be a credible component of the draft HE the city should explain why introduction of this State law to Zone A will have a different result. The record to date is that no development has occurred under the city's cross-references of the State's density bonus law and the current densities for Zones C and D.
Email	Randy Wu	The draft HE's single family lot component also is devoted to Above Moderate housing. Needless to say there is not a track record or market trend in Piedmont for this component. Apart from ADUs new home construction in Piedmont has been limited in the current housing cycle to the seven townhouses on Linda Ave. The city will need to do more to make primary home development a feasible component of the draft HE. In summary the draft HE is a very good start, but it does not yet meet HCD guidance for plan feasibility. The ADU number should be reduced based upon HCD required analysis of rentals vs guest quarters and home offices. Due to the speculative nature of the new housing proposals, which are untested in Piedmont, the Sites Inventory should be increased through over-zoning to include Blair Park.
Email	Linda Loper	Thank you very much for the detailed draft housing element, which reflects your hard work and countless hours of time. Also, thank you for the effort at outreach. The flags on the streets are great! As a member of PREC, I would like to add a few points of emphasis to the PREC submittal: Relying on ADUs for the tally of affordable housing is not realistic without a regulatory structure that guarantees an ADU will be rented at affordable rates. If creating a database is the end of the effort on ADUs, then that doesn't help create dependable, predictable affordable housing. Counting ephemeral housing doesn't seem valid. The HE must be realistic. Otherwise, it's vulnerable to challenge. Choosing sites for development that are already developed does not make sense. Both Blair Park and the Corporation yard should be considered together as probably the most viable site in town for the development of affordable housing. As I've said before, the corp yard wastes so much valuable space. A more compact drive-through facility in Blair Park makes a lot of sense. Blair Park is lovely, visually. (I live close by.) Were we in a rural area, it would remain open and untamed. But it is crying out for a higher use. If it is seismically safe. Please include it in the Housing Element plan for developing affordable Thank you again for all the time and effort you have devoted to this very important project to develop real housing that is affordable.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Deborah Leland	The DHE identifies four sites for the development of lower income multi-family rental housing: two 1.0-acre parcels along Moraga on either edge of Coaches Field, plus the City Hall site and the Corey Reich Tennis Center site. My questions and comments regarding this are as follows: I strongly believe that the Kennelly Skate Park site should be included in the sites inventory, especially if the City is considering development along Moraga downhill of Coaches Field that could provide direct access from Moraga to that site. The skate park does not appear to be well-used, and a skate park could be incorporated at multiple other locations throughout the City that would be more readily accessible (for example, the concrete/dirt lot adjacent to the Beach playfield, or the grassy landscaped area adjacent to the fenced in Linda dog park, to name just a few options off the top of my head).
Email	Deborah Leland	While I understand the logic of the Specific Plan for the Corporation Yard area, I am concerned that the timeline for such planning is far too slow and would preclude use of Measure A-1 funding to facilitate development of any site along Moraga (since Blair Park is only to be considered as an alternate if the Corp Yard sites can't produce enough units). The timeline set out in the DHE contemplates issuing a development RFP in mid 2025, and entering into an agreement with development partners by early 2026. The timeline for Measure A-1, assuming the County grants an additional one-year extension as requested by the City, would require entering into a development agreement and committing funds to the project by December 2023.
Email	Deborah Leland	With regard to Measure A-1, I think it would make far more sense for the City to complete some basic feasibility analysis of the Corp Yard area and Blair Park now (and include Blair Park in the sites inventory in case that ends up being the most feasible site), and then promptly proceed with the planning necessary to issue an RFP for development of the most readily available site. Or perhaps the City intends to proceed with development of one of the Vista Ave sites for use of Measure A-1? In any event, now that the Draft Housing Element has been released and public comment on it underway, the City should re-initiate its discussion regarding Measure A-1 to allow the public discussion on this to proceed. As you likely recall, discussion regarding possible sites for Measure A-1 was effectively put on hold until the Housing Element was released.
Email	Deborah Leland	Regarding the Vista Ave sites selected, it would seem to me to make sense to do a Specific Plan for the City center/civic center. For example, one could then consider building parking under the tennis courts, with a number of spots designated for housing to be developed in the civic center, such as at 801 Magnolia. Parking below tennis courts could also be used for the City fleet instead of using prime central property near the exedra for parking and thereby free up that land for development. Piedmont Park could also be included in the Specific Plan, to maximize the open space, recreation resources, and arts/community space that could be provided in the park and community hall (for example, expanding the community hall to two stories to incorporate space for an arts center).

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Deborah Leland	More generally, I believe more emphasis should be placed on prioritizing housing in the civic center, in closest proximity to schools, city offices, and transit. Proposed Multi-family development impact fee: Policy 1.12 on p.36, (ironically, under the heading of Goal 1: New Housing Production) states, "Multi-family Housing City Service Fee: Require developers of multi-family housing, including mixed-use multi-family housing, to contribute to the costs of City services and infrastructure." On p. 41, under Programs, the Draft HE expands upon this, and clarifies it is intended to be an Impact Fee on multi-family development: "1.K City Services Impact Fee for Multi-family Housing The City has high standards for provision of services to community residents. In order to maintain the level of service, City will study the nexus between the impacts of new multifamily development on City services and infrastructure and the costs to provide the services and infrastructure. If warranted, such study would provide the basis for impact fees for developers of multi-family housing including mixed-use multi-family housing. Fees received will help fund continuation of service to offset potential impacts of the increased population envisioned in the Housing Element. • Objective: To ensure new projects help pay for the cost of maintaining City services and infrastructure."
Email	Deborah Leland	Why are multifamily projects singled out for this expense? Wouldn't single family homes have the same impact? I am concerned that this Policy/Program will be an impediment to creation of multi-family housing. At a minimum, the DHE should include the caveat stated elsewhere (i.e. regarding a new tax on each new SF unit or ADU) that "Potential revenue enhancements will be measured against the possibility of creating new constraints to housing production." Furthermore, a carve-out should be included for affordable units.
Email	Arjun Varma	I am by no means a housing expert, but it seems like the current plan is to put a majority of the affordable housing on the outskirts of the city. I was wondering what might be involved in moving high density housing more to the center of town. It seems like converting/rezoning the existing retail/office space (what is currently around Mulberry's, the Piedmont Veterans Hall, Wells Fargo, the Piedmont Community Church, etc) into mixed use (preserving the ground level banks, markets, etc) could be a viable option that doesn't marginalize a good number of future residents to the city boundary near the cemetery. Would a Highland Ave location also provide for better access to public transit? I wasn't sure if there was already a parallel plan to handle the influx of traffic that would impact Moraga Ave with the current draft housing element.
Email	Arjun Varma	I realize any plans for change will likely involve hurdles/barriers, so I was just curious what those might be. It seems like historical preservation might need to be balanced with the needs of a growing community. I understand that it does make sense to develop in the proposed area since there is nothing there at the moment, but it seems like bringing future residents to other parts of the city might also be beneficial. It also seems like incorporating new residents throughout the city is more aligned with what seems to be the sentiment of the city that states they largely support DEI goals. I understand this is a long process and there might be many changes along the way, but I just wanted to get a better understanding of the current approach. We have been so happy since moving to Piedmont, and can imagine many happy years here, so I just wanted to share some thoughts.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Christiana Macfarlane	Thank you for sharing the draft housing element with Piedmont residents. The map included with the plan shows a very lopsided plan to put most of the new housing on the corporation yard on Moraga Ave. or Blair Park on Moraga. These locations are not near public transportation, in contrast to the sites on Grand Avenue or the center of the city. The increased cars resulting from the proposed housing would drastically alter the traffic on Moraga and nearby streets. The traffic of parents dropping off kids at school is already extreme. Have you considered what it would be like with 100+ more families living on Moraga Avenue?
Email	Christiana Macfarlane	There are many large lots on the Southeast side of town that the plan suggests should be above moderate income housing. It is not equitable to have such a great proportion of the density burden being borne by residents on the northwest side of town.
Email	Christiana Macfarlane	There are many undocumented apartments being rented in Piedmont that already result in increased pressure on traffic, parking and more children in our schools. Many of these apartments are affordable to low income individuals and families. These units should count toward our responsibility to provide housing to families at a variety of income levels.
Email with attached PDF	YIMBY Law and Greenbelt Alliance	We are writing to remind you of Piedmont's obligation to include sufficient sites in your upcoming Housing Element to accommodate your Regional Housing Needs Allocation (RHNA) of 587 units. In the Annual Progress Reports that Piedmont submitted to HCD, we observe the following trend of housing units permitted in the last three years: Year: Housing units permitted 2018: 14; 2019: 11; 2020: 24; Average, 2018-2020: 6.
Email with attached PDF	YIMBY Law and Greenbelt Alliance	To meet the 6th cycle RHNA target, the rate of new housing permits in Piedmont would need to increase from 16 units per year in 2018-2020 to 73 units per year in the next 8 years. This is a 349% increase from recent years. If the current pace were to continue, Piedmont would meet only 22% of its new housing target. Based on these trends, it is unlikely that Piedmont's existing realistic zoning capacity is sufficient to meet its 6th cycle RHNA target. According to HCD's Housing Element Sites Inventory Guidebook, housing elements must analyze the realistic capacity of their sites, which may include considerations of "[l]ocal or regional track records", "past production trends", and "the rate at which similar parcels were developed during the previous planning period". A housing element that does not include a significant rezoning component is therefore unlikely to be compliant with state law.
Email with attached PDF	YIMBY Law and Greenbelt Alliance	We urge Piedmont to include a major rezoning component in its Housing Element—a rezoning large enough to close the gap between recent housing production trends and the RHNA target. The rezoning should be within existing communities and should comply with the city's obligation to Affirmatively Further Fair Housing. We also urge Piedmont to ease any other constraints, such as discretionary approval processes or impact fees, that may impede the rate of development on your city's housing sites.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Website Comment Form	Jerry Kennelly	1. There are many unregistered "in-law" units and ADU's in the city. Declare an amnesty and allow people to register them without fine or fees. The City can then pick up 100+ housing units to meet the State quota requirement at essentially no cost to anyone. 2. Use the vacant land known as "Blair Park" to build a multi-family apartment complex of 150 to 200 units and target 35% for low income residents. Many builders would step forward to do the development.
Email with attached PDF	Alice Talcott	Hello Kevin and Pierce, I'm sending information that I'm hoping will be useful to you during the city's Housing Element process. At MidPen Housing, where I work, we've created some case studies featuring our affordable home developments that demonstrate how cities have used the housing element process to make affordable housing possible and more feasible. I think it's got some great examples in it of effective city policies, some of which could be adopted in Piedmont. And at a minimum it helps to demonstrate what high qualify affordable housing looks like! I'm going to also separately send this to the City Council members - if you think this is useful, could you also please send on to the Planning Commission members and the Housing Advisory Committee? Thank you, Alice Talcott
Email	Mike Richmond	The expense of housing hits senior citizens especially hard, as they are often on fixed incomes, unable to work, etc. Therefore, I feel a substantial portion, including any and all low income housing, of the new proposed housing element, should be devoted to persons at least 55 years of age. We should also give priority for housing to olderPiedmont residents, to the extent possible. This would encourage older residents to sell
Email	Agnes Lord	I'm writing to support this program. I'm glad to see our city pay back a little of all that we've reaped, especially from the years when there was redlining. Thank you for this, Agnes
Email	Susan Goldsmith	Please consider the use of the decommissioned reservoir area at the top of Dudley Ave. There would be room for a beautiful town home development. I did not see a place on the form to make suggestions. It would also be good to building housing above businesses on Grand, remove the gas station and build there as well. Could any of the gigantic Piedmont homes that are too large for one family be repurposed into flats? Sincerely, Susan Goldsmith

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Philip Stein	With caveats, I'm all for a thoughtful approach to adding affordable housing units in Piedmont over time. The caveats are that: 1) those units are spread throughout every neighborhood in the City; 2) Zoning changes are enacted to enable 1); and 3) infrastructure, environmental and safety issues are addressed in any developmental plan. Philip Stein
Website Comment Form	Donna Tai	In the 24 years we have lived in the center of Piedmont it has already become much more crowded with traffic passing through and parking is difficult especially during school days but also when there are events at Piedmont Park etc. Overall this has a negative effect on quality of life for the residents. Putting more housing units in an already busy central space is not smart. I cannot begin to tell you how many episodes of near miss traffic accidents we have witnessed in front of our house in addition to people speeding when they hit the wide area of Highland Ave between Sierra and Sheridan. The police have a record of an incident a few months ago when 3? parked cars were sideswiped in front of our house and damaged at 9am in the morning. Increasing the population in the already busy and multi functional town center is just plain stupid and risky.
Email	Robin	We are the owner of 28 Olive in Piedmont and I would like to provide comments regarding the piedmont housing plan. Our neighbor brought this to our attention today. I was not aware of the project and more importantly that we can provide feedback to the city. Reviewing the plan, it sounds like there is a proposal for 1 or 2 houses on the Plymouth church lot on Olive between Oakland Avenue and Lake avenue. From the information I reviewed, it was quite difficult to understand what is the exact plan for this location. It looks like the density of 2 dewling unit per acre proposed in the map is double the density of similar streets in our neighborhood. I'm not opposed to have new single family home in our street but I'm afraid the plan call for a multi units, such as or an duplex/condos or something bigger. I would appreciate getting clarity of this point and what is the decision making process A single family house will have a positive impact on the neighborhood but any project involving a multi-units will have negative impact for our quiet street and will likely decrease our home values. Robin Giguere and Banafhseh Rafii
Email	Robin	I would also like to stress that it is difficult to understand the information shared by the city regarding the housing plan. I don't recall getting any communication from the city regarding this project and today's deadline for feedback. I would appreciate getting written communication by mail from the city regarding this project in the future. We didn't heard anything from my other neighbors regarding this project and we are assuming we won't be the only one surprised by this project.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Robert Saltzberg	The Piedmont Housing Puzzle is confusing. As an initial comment, a number of neighbors and I have tried to use the Piedmont Housing Puzzle, but find it confusing. We cannot understand it or figure out how to use it. Use of the Puzzle may result in user input contrary to the users' intentions. For example, the website shows for Zone N (Plymouth Community Church) "1 housing unit" and "2 dwelling units per acre." What does this mean? The Help button does not clarify. Also, the difference between "housing unit" and "dwelling unit" is unclear. The circled "i" information button indicates that Plymouth Church owns 0.45 acres in Piedmont Zone A, asks whether new housing units could "be constructed as part of an expansion of this religious use," and enables clicking to add up to 9 housing units.Where is Zone A? The map shows the lot in Zone N. Does the information mean that only units dedicated to a "religious use" can be added? Also, adding even one unit would exceed the two unit per acre limit. Finally, adding a comment to a particular site/zone in the Puzzle may be interpreted as user endorsement of that site as a candidate for housing when, in fact, the user opposes designation of that site as a candidate. Sincerely, Robert Saltzberg
Email	Robert Saltzberg	Adding housing to Zone N (Plymouth Community Church) raises at least the following issues: Easement: Piedmont City Hall records indicate that a "30' [foot] GARDEN EASEMENT" attaches to the lot. Building on the lot could violate the easement. Density: Although the lot may be appropriate for a single family home, it is not appropriate for higher density. The street comprises single family homes. To my knowledge, the street includes no multi-unit buildings. Drainage / water quality: The drainage on the lot is insufficient. During rains, a stream of water spills onto the adjacent property. The lot is also upstream of houses on the other side of Olive Avenue. To my knowledge, those houses have had issues in the past with water flowing from higher ground. Addition of housing to the lot could exacerbate those issues. The builder of any unit on the property must also ensure water quality downstream and in the water table is not negatively impacted. Erosion and other impacts: The lot is hilly. Grading and removing vegetation can lead to soil erosion. Parking: At least before the COVID pandemic reduced commuting, cars would fill up much of the street parking space on Olive Avenue shortly before, during and shortly after the workday. The cars belonged to commuters who would walk 1-2 blocks to the nearby Transbay bus stop and casual carpool line on Oakland Avenue. Adding units to the lot would exacerbate the parking situation, especially if they did not include on-site parking. Traffic: Adding housing will increase traffic, at least incrementally. And, related to the parking issue, further limiting parking spaces may cause drivers to drive around more to find street parking. This is a family neighborhood, with small children playing on the sidewalks and sometimes crossing the street. Moreover, a nursery school is around the corner on Lake Avenue. Endangered species: The lot would need to be surveyed for any environmental impact (e.g., under CEQA), including impact on protected plant and animal species. Historic preservation: The lot should be surveyed to ensure any objects of a Native American or other historic nature are properly treated.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Jack	I completed the "Piedmont Housing Puzzle", which was informative and fun. Nice job! The puzzle identified many potential housing sites. However, I noticed the abandoned water reservoir near Blair and Scenic was not among them. What are the plans for this site? It's a large, essentially abandoned site, that doesn't seem to be generating any revenue for the city. This seems like an ideal place to develop some of the very-dense housing needed to satisfy the revised housing mandate. Developing it would not result in displacing much of anything. Was this site considered? If so, what was the reason to exclude it? Jack Preston
Email	Patty Siskind.	Although I'm new to the planning process for increased housing I had one immediate reaction to the proposed low income housing. I don't think it's good to provide all the housing in one location. This will significantly impact traffic in one area versus spreading it throughout the town. Additionally with the state lifting restrictions on building on lots, it seems that duplexes or triplexes or division of larger lots could accomplish this as well. Coronado California has done this nicely. I also feel there may be some discrimination bunching housing on the perimeter of the city rather than including them in the neighborhoods. Patty Siskind
Email	Kyle Killion	I'm surprised that I had to be alerted by my neighbors that the city of Piedmont is planning to permit housing with twice the population density of New York all around Coaches Field. But I looked and saw it, it's buried pretty deep (page 156 of a 374 page document). I had seen the signs about town but I assumed the 500 new houses would be somewhat evenly distributed. Instead they are stacked up in our neighborhood. Moraga is already an extremely dangerous road. I and two other people that I know have been struck by speeding cars while biking there. The cities Safe Streets plan already leans pretty heavy on the bike symbols painted on Moraga to make it seem like a place where people can bike. When you throw in hundreds of new cars because there is absolutely no transportation near Coaches Field the bodies will stack up. I assume that this plan is just crazy high numbers put in place to satisfy a poorly written requirement by the state. In the case that a developer actually tries to build something with even half of the proposed density we'll have the rally as a neighborhood and most likely sue to stop it. That seems like a lot of work to put on citizens and a cost to the city to have to deal with the lawsuits. Instead I think the city should come up with a better plan.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Scott & Rika Mortimer scottmort@yahoo.com	We have lived in the northern part of Piedmont on Abbott Way for over 20 years raising our family here with both our kids attending the local schools and enjoying all that the community and its location have to offer. We appreciate all the effort to date made by the city to respond to the challenge of this housing cycle and address the need to plan for the development of up to 587 new housing units to help alleviate the regional housing crisis. We particularly appreciate the city soliciting and incorporating input from all potentially affected neighborhoods to ensure that projects are appropriately conceived, prioritized and compatible with existing neighborhoods and infrastructure. In a project that is intended to be a city-wide response, we believe that efforts to make affordable housing should also be borne equitably across the community and the city should actively assess ways to integrate new housing in all areas of Piedmont. The current plan proposes to position the bulk of new low-income units in the northern part of the city near Coaches Field, and there are some concerns as well as opportunities that we would like to point out regarding the plan.
Email	Scott & Rika Mortimer	First, allocating the large portion of affordable housing only on the northern edge of the city is not a thoughtful or equitable approach to development and is an ineffective way to promote diversity and integrate new residents into the Piedmont community. Making only residents of a couple specific zones endure construction noise and traffic congestion as well as the environmental impact from such large developments for years to come is clearly not equitable. Piedmont should take the time needed to carefully plan a more equitable distribution of all income unit types across the city and promote ways to truly welcome new residents to our community.
Email	Scott & Rika Mortimer	We recommend first focusing large multi-unit development with an eye to leveraging synergies with existing public services (e.g., transportation and schools) and commercial areas. Isolating multi-unit residents in the northern edge of town with less services would create significant additional infrastructure needs to accommodate new residents. Currently, the northern part of the city is impacted by significant morning rush-hour traffic (especially around school start times) and narrow roads without consistent sidewalks that have the potential to become hazardous with major additional development. A large multi-unit building may substantially aggravate these problems, and such plans should not be considered without appropriate plans for street widening, sidewalk improvements, traffic safety improvements, and expansion of public transportation. In this regard, we advocate prioritizing development in the downtown core area where there is greatest access to existing public services as well as public properties that may be redeveloped.
Email	Scott & Rika Mortimer	Second, we strongly support the development in the downtown area followed by distributed development in multiple areas across the city. For example, we encourage a city-wide building code update to enable multi-unit property development across all zones, enabling duplexes, triplexes and fourplex development as well as ADUs on lots throughout the city. On large lots, more extensive development may be possible as well and should be facilitated as part of the planning effort. With expansion of multi-unit properties, new units may be more seamlessly integrated throughout the Piedmont community and avoid creating a disproportionately targeted zone.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Scott & Rika Mortimer	Third, there is an opportunity to expand the ADU component of the plan by specifically allocating resources to promote ADU growth. The current passive assumption relying on historical trends should be reassessed. Please consider proactive strategies, including incentives, to encourage ADU development in the city, potentially modeling off jurisdictions who may have had success in positive ADU growth. Thank you for the significant work to date. We appreciate your consideration for a balanced approach to the housing crisis, using multiple tactics across all housing zones in the entire Piedmont community yielding an integrated outcome. Sincerely, Scott & Rika Mortimer
Email	Markus B. Niebanck, PG	This memo follows our conversation of last week regarding the evaluation of Zion Lutheran Church (5201 Park Boulevard) as a potential opportunity site for housing development. During our conversation I shared my sense that the existing B.2.5 language misrepresented the use/health of our church property (it isn't of marginal economic viability and not at the end of its useful life). You indicated that Zion was identified because of its acreage and not for these other reasons. It feels as if the other relatively large parcels were chosen based on size as well. For the sake of accuracy, please consider the verbiage modification shown in redline as follows: B.2.5 Suitability of Nonvacant Sites Since residential land in Piedmont is generally built out, the sites inventory includes nonvacant sites. Nonvacant sites are relied on to accommodate more than 50 percent of the City's lower income RHNA. Therefore, the City conducted an analysis to determine if substantial evidence exists to support the premise that housing can be accommodated on these sites and/or existing uses on these sites will be discontinued during the planning period (2023-2031). Nonvacant parcels primarily include relatively large properties (over 0.50 acres) irrespective of current use, underutilized sites with surface parking and commercial buildings where the existing uses are of marginal economic viability, or the structures are at or near the end of their useful life. Screening for potential sites considered market conditions and recent development trends throughout the Bay Area and the State and utilized conservative assumptions in projecting units well below observed densities for residential and mixed-use projects.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Rami and Daphne Albert Abbott Way, Piedmont	We are residents of Abbott Way in Piedmont, and we are excited at the prospect of being part of the solution of California's unprecedented housing crisis. However, the current proposal to locate 132 units in one neighborhood by the corporate yard by Coaches Playfield creates more problems than it solves for both new and existing residents. The spirit of the housing plan is to abolish patterns of segregation and racially concentrated areas of poverty, however when the bulk of affordable housing is designated for the farthest corner of Piedmont, it seems that we are only perpetuating economic, social, and often racial segregation and not advancing integrated and balanced living patterns. The current plan does little to affirmatively further fair housing as required under the law since low-income housing is segregated in one location at the Piedmont/Oakland border and not truly integrated into Piedmont. Piedmont shirks its responsibility to provide access to education, transportation and employment with the current proposal to place half of the low-income housing in an area with no sidewalks and which is not walkable for most people to any of those categories. With distance as a barrier and no sidewalks in this neighborhood, cars will be required for residents which will add traffic and congestion and pose a safety hazard for pedestrians, especially for children in the neighborhood.
Email	Rami and Daphne Albert Abbott Way, Piedmont	We are also concerned that the current plans overall are unrealistic and urge the City to consider spreading low income housing across all of Piedmont by changing zoning laws to allow ADUs and multiplex housing (especially in Zones A and E) across the city and revising zoning laws on Grand Avenue to allow units that are higher than 30 feet. Grand Avenue currently has the infrastructure that this neighborhood lacks like sidewalks, wide streets, traffic lights, public transportation and access to employment/commercial zones. We also urge the City to consider re-zoning the City center to allow increased occupancy housing.
Email	Rami and Daphne Albert Abbott Way, Piedmont	The current plan will contribute to inefficient resource allocation and poor housing outcomes. Will there be compensatory damages for affected property owners? What is the plan to scale up public services like sanitation, sewers, pollution reduction and public education? If new housing attracts new residents, then the city must have the finances and a plan to adequately expand municipal services to avoid perpetuating historical discrimination in the provision of municipal services to low income communities. Raising property taxes to finance incremental municipal services should not be an option, especially for those of us who are retirees and/or have limited income. Most Californians have their savings in property value, and our immediate neighborhood will certainly experience a disproportionate negative impact on the values of our homes due to the increased density of low-income housing in one small neighborhood on the outskirts of Piedmont. There are studies that support how low-income housing DOES lower surrounding property values when it is aggregated in one location within a city.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Rami and Daphne Albert Abbott Way, Piedmont	Wildfire & Earthquake Risk and the economic and human cost to the Community: Evacuation We live in a populous community where the highest density of new housing is being proposed for the riskiest wildfire zone in Piedmont. In fact, some of the proposed new homes are located where the Oakland Firestorm occurred in 1991! See attached map. This is an area of the community that is at highest risk from wildfire compared to the rest of Piedmont. So many California wildfire evacuations turn into deadly traffic jams, and I am not seeing enough roads (nor are the current roads sized) to lead so many neighbors to safety. Our narrow roads have restricted access, and these road conditions could lead to problems for emergency responders as well as people evacuating. We need realistic and publicly available evacuation plans with route maps and zones. There were at least 10 deaths in the Paradise Camp Fire of people who died in their vehicles trying to escape. The Cedar Fire in San Diego (2003) also claimed 10 lives of people trying to escape in their cars. Large, undeveloped meadows can oftentimes serve as a refuge from wildfires. The City and State should be making it harder to build in open spaces on fire lines and should look to infill the city center instead. To ignore or downplay the risk when the fire season has been extended to an all-year round event is a tragedy waiting to happen. It's not a question of "if" but "when" a major fire will hit our area. Ratio of people to limited evacuation routes should be a major concern.
Email	Rami and Daphne Albert Abbott Way, Piedmont	
Email	Rami and Daphne Albert Abbott Way, Piedmont	Earthquake Risk: The proposed location of half of low-income housing is closest to the Hayward Fault line. The Hayward fault has a relatively short recurrence time for earthquakes, so the expectation is that we are due for a big one. There is a 72 percent likelihood of a 6.7 earthquake or larger happening along the Hayward fault, which is considered the most dangerous in the US.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Rami and Daphne Albert Abbott Way, Piedmont	Homeowners' Insurance Building new structures (wildfires jump from structure to structure) will create an undue burden on existing homeowners that the City is forcing on us. Increased insurance costs or not being able to get insurance at all is a foregone conclusion. Our insurance is already so expensive, and premiums are on the rise for homeowners in areas at risk of wildfires (my premium when up 33% last year), and some insurers are refusing to renew policies for people in our area as happened to us in 2012 and many of my neighbors more recently. The current proposal is building in our wildland-urban interface. Building in this area places the burden of paying for increased wildfires solely on the residents who live near these fire lines. The State and the City need to mitigate climate risk for the existing homeowners, not encourage reckless building in high risk fire areas.
Email	Rabin Nabizadeh	I am a resident of Piedmont and wish to express my strong objection to the Low-Income housing plan. I currently reside at ...., a small enclave of about 30 homes. More specifically, there are about 6 homes above Spring Trial. The plans to add 50 homes on Spring Trail (seems rather difficult) is, therefore, a potential disaster for us as it would increase density by 20 fold where as several other possible sites (including the business center) are untouched. It is clear this plan did not seriously consider other options in Piedmont and assumes that we are not going to resist this plan with all available tools. Our neighbors purchased their home last year. That is, they put up their life savings to come up with a 20 percent down payment. This plan will effectively wipe them out and severely diminish their ability to enjoy their most precious investment. I have discussed this matter with an experienced attorney and plan to bring suit against the city given the concentration of housing in a small enclave in town without serious consideration to other sites. I learned at a young age that causing financial harm to people is an act of violence. I want you to know, that as a group, we will not ignore this act of violence and will fight this plan with every legal avenue we can manage. The alternative (substantial and un-equal loss in value and enjoyment) is far more costly.
Email	Raj Sodha and Anne Newcomer	We are writing first to commend the goal of Piedmont to provide more affordable housing and diversify the demographics of our city. Second, although we are in favor of this goal, we have specific concerns about the proposed plan. We live at ..... When we purchased this house, we knew it would be our "forever" home--a place where we will raise our sons (ages 4 and 2) and take part in the vibrant Piedmont community. We were drawn in by the tranquility of our little neighborhood, the quiet streets, and the friendly neighbors. Our part of town encompasses a small area of <50 homes where neighbors walk their dogs in the streets, kids run between houses and we can enjoy the trees, birds and beauty of our surroundings - much like other areas in Piedmont. Looking at the proposal, it seems a disproportionately high concentration of denser, more affordable housing (132 units) would be added to our neighborhood. While we welcome the increase in housing, and would definitely welcome new neighbors, this specific proposal is concerning to us.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Raj Sodha and Anne Newcomer	First, we are concerned with safety. We do not have the infrastructure to support ~4x the number of homes in the area. Our streets are narrow, with blind turns. There are no sidewalks, nor is there room to build them. With so many young kids around (some of whom walk in the road to take the Spring Path on their way to school), we fear they would not be able to safely navigate the neighborhood with the inevitable increase in car traffic on the roads. Furthermore, with wildfire posing a real threat to our hillside, adding so many more homes without careful attention to potential emergency egress options would be a terrible mistake.
Email	Raj Sodha and Anne Newcomer	Second, by increasing the number of homes so drastically, it would detract from the tranquility and natural surroundings that brought us to this part of Piedmont. All neighbors - old and new - would experience more traffic and noise, and enjoy less green space.
Email	Raj Sodha and Anne Newcomer	Third, despite a purported focus on diversity, equity and inclusion in our community, this plan would functionally not achieve these goals. Rather than integrating folks of different backgrounds and income levels across Piedmont, the plan would segregate the majority of all proposed low-income housing into one neighborhood. While we'd welcome the addition of new neighbors at any income level, we don't feel this plan achieves "integration" in any real way and certainly does not reflect the shared Piedmont value of welcoming new neighbors into all parts of our community.
Email	Raj Sodha and Anne Newcomer	Again, we are in favor of increased housing, especially affordable housing. So, we'd like to share some additional thoughts we feel should be considered: While opposed to 132 units in our immediate neighborhood, we are open to a reduced number of units in our neighborhood, and therefore a better distribution of total units throughout Piedmont. Blair Park should also be considered as an option. We'd like to avoid extending the Abbott Way cul de sac as this would minimize the traffic, congestion and safety issues in our immediate neighborhood. Zones A & E should be allowed to build duplexes and fourplexes, theoretically increasing the number of units that could be built in other geographical areas of Piedmont. Areas like Grand Ave that currently have the infrastructure to support increased housing should be reviewed, and zoning changed, to allow for increased housing units. Thank you for taking our considerations into your decision and we look forward to being an active part of this decision and solution.
Email	Marilena Scott	Thanks for all the work you are doing for us. Please extend the time until November for the public comment period on the additional units.The document is very thorough, and it's a lot to read. There's so much to consider. Does anyone have a summary of the 300+ pages with maps to show where the projects are? I see them in the document, but I need something simpler to get an overview.Thanks so much.
Email	mike mcconathy	Re: Housing Element Comments for 5/12/22 Planning Commission Meeting After reviewing the “Draft” Housing Element report from April 2022 (and hearing/seeing comments so far), it appears there are some glaring issues which have been ignored:

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	mike mcconathy	The Housing Element Conflicts with the City Charter Within the 374-page Housing Element, just 3 pages seem to provide an actual plan. Pages B-12 to B-14, in Appendix B (Housing Capacity Analysis and Methodology), describe the City's solution: build the very low and low income affordable housing behind Coaches Field and/or in Blair Park. These parcels are currently designated ZONE B (Public Facilities), which permits parks, city buildings, certain ADUs, public and single family/ZONE A use. (Municipal Code 17.22). But the Housing Element proposes that duplex and multi-family units be constructed on ZONE B land. (Appendix B, B-13). The proposal suggests that the Coaches Field site would have 132 units, and Blair Park would include 210 units. Such construction would exceed ZONE B, and would fall under ZONE C (Multi-Family Residential) or D (Commercial & Mixed Use). The Housing Element suggests that the City can just make "zoning amendments" to allow multi-family construction in ZONE B areas. (Housing Element, Section IV.1.F). Housing Advisory Committee members and PREC representatives have all stated that such zoning amendments need only be approved by the City Council. But this ignores the 2018 Piedmont City Charter which provides that no zone shall be reclassified, or reduced/enlarged without a public vote. (Section 9.02; Zoning System). Unless Piedmont intends to own/operate these public housing facilities on its own lands, it would appear that allowing ZONE C/D construction on ZONE B parcels will require a ballot measure. Otherwise, what is the point of even having a City Charter? Remarkably, the Housing Element concludes that the City can simply edit the 2018 City Charter to "eliminate" those pesky voter-approval requirements needed for zoning changes which are currently contained in Section 9.02. (Housing Element, Section IV.4.H). In other words, the City Council would just unilaterally rescind the ballot requirement for zoning reclassifications to fit its needs. Such a plan to revoke public rights is arbitrary and capricious, and would certainly face legal challenge.
Email	mike mcconathy	The Housing Element will Apparently Donate Piedmont's Parks and Open Space Missing in the Housing Element is exactly how the City's open space and parks will be transferred to build affordable housing. Piedmont parks have long been targeted by certain groups as the so called "easy solution" for more housing. The fact that no land transfer plan is explained in the Housing Element suggests that the City intends to simply donate its property to satisfy current social demands. Even the Surplus Land Act suggests that fair compensation can be received for parcels sold or leased. Is the City planning to sell off its parks or just give them away? Piedmont residents have paid property taxes and made donations for 100 years to maintain and preserve these lands. Informing residents how their municipal facilities will be eliminated by the City should be made clear.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	mike mcconathy	The Proposal Seeks to Isolate Low-Income Housing to a Remote Piedmont Border The “Specific Plan” in the Housing Element provides that at least 100 low and very low income housing units will be placed in the Coaches Field area, and a much larger but unspecified number in Blair Park. (Appendix B, Section B.3.1). This proposal would isolate nearly all the lowest income housing to a single location on the Piedmont border. RHNA and the Housing Element have an underlying requirement to maintain equity and fairness in the hosing planning process. How does ostracizing low income residents to a remote portion of the City accomplish this? Visit Marin City and see what happens when multi-family low-income housing is concentrated in this way. Is that really what the City and the PREC want from this process?
Email	Patrick Lang	I strongly support extending the comment period out to November so that the community has more time to process the enormously impactful housing-related proposals.
Email	Jill Lindenbaum	It is clear that the City of Piedmont staff has been working hard to create a viable Housing Element, and I appreciate all of the progress that's made in the draft to date. I support many of the ideas outlined in the plan, especially proposals to increase allowable density in the multifamily and commercial zones, to explore publicly owned land for affordable housing development, to include home sharing in the Housing Element proposed programs, and to create a Housing Fund. There are few areas in which I believe the Housing Element can be improved: The City should amend the zoning for Zones A and E to allow duplexes, triplexes, and small multifamily buildings. We know these can work in Piedmont, as there are many good examples throughout the city. 1) This will yield more types of housing throughout the city in a more integrated and balanced manner. 2) It is time to abolish a policy born from racist sentiments. By carrying these policies forward (i.e. doing nothing to amend them), we are continuing to create negative impacts and continue to uphold racist policies.
Email	Jill Lindenbaum	- The City should create policies to enable affordable housing throughout all of Piedmont, in all the zones, rather than planning for it in just one or two areas. This is creating unnecessary constraints. - The City should proceed with affordable housing on publicly owned land by increasing the number of Zone B (Public Facilities) sites under consideration to include Blair Park and Kennelly Skate Park and doing feasibility studies of all these sites. By citing one proposed site, as is currently in the Housing Element, the City is creating more unnecessary constraints. Our City should research and analyze as many sites as possible to ensure results that are the best for the community.
Email	Jill Lindenbaum	- The City has relied too heavily on parcels owned by faith-based organizations. Churches and synagogues, which are well attended and dearly valued by members of our community. In all likelihood, these community-based faith institutions are not selling land to the degree in which the City has accounted for in the Housing Element. I believe HCD will recognize this as an unrealistic plan to create more affordable housing, which is the utmost goal.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Jill Lindenbaum	5. The City's proposed Housing Fund should not be tied only to the ADU/Habitat for Humanity program. There should be an evaluation of several potential uses, first, before the Funds are tied to any one program. For example, the Fund could support the acquisition of small sites for affordable rentals, support small remodel projects to create JADUs in seniors' home, provide rental assistance for extremely low, very low and low income renters in Piedmont (Apartments, ADUs, JADU and Room renting) among other programs. Again, thank you for your work and commitment to our City. And, thank you for considering the above amendments to Piedmont's Draft Housing Element.
Email	Julie Watters	We are residents of Abbott Way in Piedmont, and we are excited at the prospect of being part of the solution of California's unprecedented housing crisis. However, the current proposal to locate 132 units in one neighborhood by the corporate yard by Coaches Playfield creates more problems than it solves for both new and existing residents.
Email	Julie Watters	We are residents of Scenic Avenue and just celebrated 16 years in our home which overlooks Moraga Canyon and Blair Park. We are happy to be part of the solution to our state's housing crisis. First, we would like to incorporate by reference all of the excellent points raised below by our friends Rami and Daphne Albert of Abbott Way as we are in agreement with them and there is no need to reinvent the wheel. However, there are still other points the committee should consider. In 2009, the city faced a crisis when it had to rebuild Havens Elementary School to meet earthquake safety codes and needed a temporary location for a school. Blair Park was considered and rejected as the traffic on Moraga Avenue, which was a major artery for Oakland Fire Trucks during the Oakland Hills Fire, was already an issue and the idea of adding more traffic and having children playing near and crossing Moraga Avenue was deemed unsafe. We also had the misguided idea of building a large soccer complex on Blair Park in 2009. I, along with many members of the Friends of Moraga Canyon, spent many nights attending City Council meetings into the early hours of the morning explaining to the Council why this was a very bad idea. The Environmental Impact Report that was done at that time showed that on many levels the soccer complex idea was unsound and unsafe and the project was thankfully scrapped.
Email	Julie Watters	The Blair Park/Corporation Yard area sits on part of the Hayward Fault which is worth considering when we're talking about building high density housing. Has this even been considered? It's also the only undeveloped park land in Piedmont that does not have an annual maintenance budget; this fact seems more than coincidental to many, Blair Park and the Corporation Yard are always trotted out any time there is a need for land on which to develop in Piedmont. I cannot think of a more unsafe area to put high density housing that will likely house families with many children than along that stretch of Moraga Avenue. If it was a safe area to develop, houses would have been built there almost 100 years when all the other homes on Moraga Avenue near Highland Avenue were built.Traffic studies done in 2009 when the soccer complex was being considered bear out how dangerous it is. And one accident/fatality on Moraga Avenue involving a small child would result in a huge liability lawsuit against the City of Piedmont.We truly hope that this misguided idea of placing high density housing near the Corporation Yard or in Blair Park will be abandoned due to all the safety issues raised by placing housing in such an unsuitable area.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Deepti Sethi	As a resident of Piedmont, I am excited about efforts addressing the lack of affordable housing in Piedmont and California's housing crisis overall. However, the housing element put forward by the City of Piedmont places an undue burden on a small population of current homeowners and results in a lack of integration of any new residents to the detriment of the community as a whole. There are two issues, both obvious when looking at the draft housing element and the aggregation of high-density units in one section of town. Placing these units in a central location or having multiple units over a larger geographic reach would ameliorate the concerns noted in these comments.
Email	Deepti Sethi	The first issue is the perpetuation of historic exclusionary practices through a new mechanism by the segregation of low to mid income individuals within Piedmont The proposed development plans are not significant, meaningful, or sufficient to affirmatively further fair housing to the benefit of Piedmont as a whole. The realization of the existing benefits to living in Piedmont is key for integration of new residents. Maintaining use and access to these benefits for both new and existing residents through the proposed development can enrich the lives of current residents and facilitate individuals welcoming necessary changes in their immediate surroundings and lives. Having low- and moderate-income households in proximity to more than one park, close to public transportation, close to schools, accessible to City amenities and services and in a walkable area would be ideal and is actually feasible with an amended specific plan that looks to the City's center as the location for building high density housing units. Perhaps these are built in tandem with the current site(s) off Moraga, but a meaningful distribution throughout the City is required for integration and acceptance. Other sites that are currently slated for higher income homes should be revisited to allow for mixed income development
Email	Deepti Sethi	The current location of the specific plan is in an area that cannot bear additional traffic, is not walkable, has no public transportation, is on the edge of the City and is harder to access than other areas of Piedmont. The location would require significant infrastructure planning (including additional roads) and increase traffic in a high fire zone which serves as the solitary evacuation corridor for the adjacent community. In addition, this aggregation and concentration of low- moderate income housing units in one location (both the identified site and the alternate site lie within a quarter mile of each other or less) creates a high risk of perpetuating the legacy of bias by absolutely failing to address prior exclusionary practices via integration. This plan indirectly thwarts efforts to diversify our schools, services and other parts of the City as BIPOC individuals and immigrants could look at this deliberate placement of a population that is likely more racially diverse than Piedmont currently is, and rationally choose other townships and cities that are perceived as more welcoming to work in and to live in for generations to come. This potential outcome negatively impacts current residents who seek vibrant engagement with a range of people.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Deepti Sethi	The second issue is the disproportionate impact of this plan on one neighborhood within Piedmont Studies have found that affordable housing does not depress neighboring property values except in certain circumstances. It has been shown that large concentrations of affordable units are best avoided due to the potential to depress nearby property values. The potential for negative property value impact is greater when those units are clustered in one neighborhood instead of dispersed throughout the community. The point of comparison to gauge what is “large” and what constitutes a single geographic neighborhood is the current housing pool in Piedmont and the natural biography and streets that separate and define neighborhoods. Ensuring that access to resources, including the accrued savings represented by home ownership, remain level or enriched by development for Piedmont residents should be a priority of the City. Any negative impact does not have to be by design, but at this juncture it will occur through neglect or a negation of any sense of duty to current residents should this specific plan move forward without concurrent high-density development in other areas of the City. Unfortunately, the current proposed housing element for Piedmont perpetuates racially and ethnically concentrated areas of poverty and affluence. It has the potential of subjecting one discreet neighborhood to disproportionate impacts of construction, probable negative impacts on property value, and a significant increase in population density and change of environmental habitat. These units could be placed in already developed areas of the City and/or in the Moraga area (coupled with high density developments in other areas of the City) thus mitigating the extent of the impact on a single area of town.
Email	Deepti Sethi	Equitable development and enhancement throughout the City is fair, environmentally sound, and can rectify generational tolerance of discrimination and bias within Piedmont The specific plan for housing should be located in the City center with a reimagination of the area around Veteran’s Hall, a hard look at the underutilized Arts Center on Magnolia, and with strong incentives to capitalize on the stagnant business center of banks by the gas station on Highland. The results would be greater integration of new residents, minimal impacts on traffic and leveraging of this opportunity to upgrade services and infrastructure of the City as a whole. Dense housing development in the center of town, in conjunction with housing located at other areas around the City (including the current proposed sites around Corporation Yard and underutilized level area near Coaches Field and, as an alternative to this build on one side of Moraga, the site of Blair Park or other recreational facilities), changing height restrictions and building on Grand Avenue and putting forth feasible development plans are key. This equitable distribution of housing across the City makes sense and facilitates a fair distribution of housing impacts while integrating new residents by design. The City has invested in efforts to foster civic engagement and communication between neighbors as a means to enrich the fabric of our community and create strong neighborhoods. This “small town” feel is absolutely achievable with multifamily housing developments dispersed throughout the City. However, under the current draft housing element, retaining the best aspects and character of the City is unattainable for residents directly adjacent to the current specific plan site and out of reach for new residents.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Hugh Louch	I am writing to provide comments on the draft housing element. First, I want to commend City staff, Council leadership, and the resident volunteers of our committees who have embraced the need for more housing in Piedmont and have been willing to objectively consider all feasible options for Piedmont to do its part to address the crushing housing crisis in our region and state. I was pleased to see a long list of potential sites included in the housing element and would encourage the City to develop a housing element that has as large a buffer for potential sites as possible. While HCD has recommended a 15-30% buffer, the likelihood of development within the RHNA cycle for any one site in Piedmont is likely to be low. To make sure we are doing our part, I recommend the City come up with at least 50% more housing units than are required by RHNA to make sure that we see housing production in the City. To do our part, Piedmont needs to support more housing, all across the City, for everyone.
Email	Hugh Louch	One part of the City where I think there is significant opportunity for housing development is around Highland Avenue considering both the civic and commercial buildings in this area, as well as the road itself. This is an area that is well served by local (33 bus) and regional (P bus) transit, that is walkable to schools, businesses, and parks, and has land that could be better used for development. In the recently updated Piedmont Safer Streets Plan that the City recently adopted (I was the chair of the committee overseeing its development), we requested that the Highland bend be incorporated into the proposed road diet for Highland Avenue. There is a huge opportunity to take the acre plus of asphalt in the center of town and turn it into a safer place for people walking and bicycling and a significant number of new housing units. I encourage the City to incorporate some of the existing road space into the available land as part of the housing element and to develop a master plan for this area that maximizes these two goals.
Email	Schiller	Notice The final Housing Element is due for submission May 2023. The deadline for public comment should be extended to November 2022. The May 5 comment due date for the May 12 PC meeting are buried in p9 of the April 19, 2022 Staff Report; more public outreach is required.
Email	Schiller	Blair Park The consideration of using Blair Park for low-income housing seems appropriate given the many issues at play. Blair Park is the single largest open area in town and is a little used area. The elimination of recreational areas, should Blair Park not work out (Housing Element Draft p42), is an undesirable alternative that would affect the entire Piedmont community. All efforts should be made to see if Blair Park and the near-by land currently used by the Corporation Yard can be utilized for housing. I am mindful of the Moraga Canyon neighbor concerns, however thoughtful planning can create a low-impact solution to Piedmont's RHNA that can be significantly met in Moraga Canyon. Coaches Field The Draft includes a projection for 50 units in the Coaches overflow lot. The lot is small and this projection seems unrealistic as it would create a very tall building right next to the roadway and not be aesthetically pleasing. The Draft includes a projection for 50 units in the slope below the 3rd base line. I doubt this is possible and again would be aesthetically questionable. Exploring Blair Park use for multi-units is more realistic and retains the recreational use of Coaches Field.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Schiller	Zone A Lot size: 4,000 sf The current 8,000 minimum is excessive. There are zone A homes on lots of 2,000, 2,250, 3,212f (31, 34 and 35 Blair). About 400 homes are on lots smaller than 4,000 ft. Going to a smaller lot size in Zone A allows lot splits of larger zone A lots. These small homes will likely qualify for low-income RHNA. New homes are subject to Piedmont' s robust design review guidelines thereby retaining Piedmont's desirable character. No City wide vote is required as there is no use change.
Email	Schiller	SB9 The Draft HE does not sufficiently explore what is possible under SB9; thoughtful projections will lead to significant satisfaction of Piedmont's RHNA. Specifically: (1) include a site-specific inventory of sites where SB 9 projections are being applied. (2) Include undeveloped sites analysis demonstrating the effect of development. (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.
Email	Schiller	Small homes may be more affordable than large homes and more small homes will help satisfy the low income RHNA requirements. The City should put more emphasis in allowing duplexes and a 2nd small home on lots that can accommodate such development. Adding a 3rd unit as an ADU is desirable. This philosophy spreads the RHNA requirements throughout the City rather than unrealistic suggestions of developing City Center sites into low-income multi-family buildings. 1.M Manufactured and Mobile Homes Subject to GC65852.3 and because of reduced cost of these types of home, this seems viable if objective standards can be maintained.
Email	Schiller	City Charter Amendment The Draft HE suggests a revision to the City code and eliminating the currently required City wide vote to change uses within zones. This is undesirable and frankly in the past the City moved to allow commercial use in Zone B where previously it was not allowed so that the Piedmont Post could rent space at 801 Magnolia. This was done without a City wide vote and was clearly a use change though questionably declared a "use modification" by the City.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	[redacted]	[redacted]

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	[redacted]	[redacted]
Email	Dan and Jill Saper	Firstly, I want to express my sincere admiration for your effort — and actual plan! — to reimagine how Piedmont evolves over the coming decade. I'm energized by the idea of accommodating more residents and increasing our ethnic and socioeconomic diversity, and making Piedmont more inclusive and accessible. Adding nearly 600 units is no small feat in Piedmont's footprint, and takes real creativity. I wanted to take this opportunity to express my support for PREC's three main points of consideration: 1. The City should move forward with affordable housing on publicly owned land by expanding the number of Zone B (Public Facilities) sites under consideration to include Blair Park and Kennelly Skate Park and doing feasibility studies of all these sites.
Email	Dan and Jill Saper	The City should amend the zoning for Zones A and E (the Single Family and Estate zones) to allow duplexes, triplexes, and small multifamily buildings. These types of housing already exist in the middle of Piedmont’s single-family zones and fit in well: We should allow more of them to be built.
Email	Dan and Jill Saper	The City should create policies to enable affordable housing throughout Piedmont, in all the zones, rather than planning for it in just one or two areas. I've seen some of the photos of examples for #2 that I had no idea existed! I believe many Piedmonters have "limiting beliefs" on what small multifamily units might look like, and it's clear to me that we can allow far more of those units without compromising the physical beauty of our neighborhoods — and in turn, improving the vibrancy of our community and residents. Thanks again for all that you do. You have a HARD job, and this is certainly chess and not checkers, so I'm grateful for your commitment to this wonderful community.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Anu and Jateen Joshi	My name is Anu and I'm a resident in Upper Piedmont. We have 2 young kids and moved here 2 years ago. We love it here but are so disheartened by how much empty space is available, when so many people are working so hard to find homes for themselves and their children. I am a huge advocate of increasing our housing density. I'd love to put an ADU on even our plot to help with this issue (chewing on this as we speak)! hope we build more housing in Upper Piedmont and make this a more welcome community for families and children. AND I hope that by building more homes and apartments, and increasing our density, we are forced to address the accessibility issue of our community and the lack of community gathering spaces and tot lots. If you live in Upper Piedmont, there is very little in the way of easy access hang out spots, to meet other moms and other children. Hampton park has one play structure for 0-5. The sidewalks to get there are steep/ uphill, non existent and often difficult to navigate because many of them don't have a ramp runoff to the street that you can use with a stroller or bike.
Email	Anu and Jateen Joshi	Regarding the housing element survey and plan for increasing housing, I hope the city considers rezoning + buying some of the large plots of land in Upper Piedmont to build large apartment complexes on them. Some of this land is so under- utilized and should be partly public. Case in point- ?280 Indian road (I think? Someone owns that giant underutilized gulch down there). And 26 SeaView Avenue is for sale. It's 3 acres in the middle of nowhere! What is the city's stance on buying it and just redeveloping it or giving clearance to some developers to do the same?! A lot of the newer neighbors agree with me that they'd love to see more development happening in the Upper Piedmont area, and change the feeling of it to a more inclusive community. I know a lot of the proposed building is slated for Lower Piedmont, but please save some development and improvement for Upper Piedmont— we're so excited for it and we actually have the space (but may need a few zoning tweaks). Thanks for hearing me out!
Email	Chris Read	See attachment 1
Email	Dai Meagher	I appeal to you to extend the public review and public comment period for the housing element revision cycle 6. There's a lot to read and evaluate. I believe that with the extension, we'll can help ensure that we have an outstanding plan. Seeing as the deadline for submission of the plan is not until May 2023, it seems prudent to extend the time for public evaluation.
Email	Irene Cheng	I am writing to offer feedback on Piedmont's Draft Housing Element. I would like to congratulate the City's Planning staff and Lisa Wise Consulting for an excellent plan that contains numerous solid proposals for helping our city build more housing. Planning for more housing is how we who are lucky enough to live in Piedmont make room for others–including many folks who are already members of our community: teachers, Schoolmates employees, police and firefighters, grandparents, and adult children who would like to return to raise their own kids in the community.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Irene Cheng	I want to offer two main thoughts or suggestions: First, I strongly support the City's proposal to explore building affordable housing on publicly owned land (Zone B). Given the market realities–especially the astronomical cost of land and skyrocketing cost of construction–building affordable housing on privately owned land is extremely challenging. That's why we need to prioritize moving forward intentionally and expeditiously with planning for housing in Zone B. I urge the City to explore concrete plans for several sites in Moraga Canyon–including the Corporation Yard, Blair Park, and the underutilized skate park–as well as the Civic Center sites identified in the Site Inventory.

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Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Irene Cheng	Second, I believe the City's Draft Housing Element has left an important strategy off the table–namely, increasing the allowable density in Zones A and E. These occupy 68% of the City's total land (and something like 93-95% of its residential areas.) We should be enabling the construction of duplexes, triplexes, and quadplexes in all of these zones–with appropriate restrictions for height, open space, objective design standards, and so on, if desired. Adding this kind of "gentle density" would really be just an incremental change, since current state laws allow three units on every single-family lot (and four or more under SB9). But the aforementioned state laws restrict the configuration of these units: they don't allow, for example, the kinds of innovative small lot projects that are being done in Oakland and Berkeley–which put two or three townhouses on a single lot–or the kinds of duplexes or triplexes that are common in Rockridge and Elmwood. Piedmont already has many beautiful examples of "plexes" nestled into our single-family zones. If you want to see how the introduction of such "gentle density" might affect a city, come to my neighborhood in Piedmont: I live in a beautiful 1910s Craftsman house near the Linda Ave. dog park, next door to a legal two-story duplex with upstairs and downstairs units. The owners of the duplex lived in the upstairs for over a decade, raising their kids in Piedmont. After their kids graduated from high school, the owners moved elsewhere, and started renting both units. In the decade that I've lived in my home, the tenants have included a couple with a baby, a single parent and child, and two working professional-roommates in their 30s–including a queer African American woman. All of them have been wonderful neighbors. Around the corner from me is a fourplex on Linda Ave. (across from Beach school). And a couple blocks away is a multi-family apartment on Linda Ave., where one of my son's best friends live. The residents of these buildings are cherished neighbors; most of them probably could not afford the $2.4 million median home price (according to realtor.com) in Piedmont. Our neighborhood is tight-knit, quiet, peaceful, and diverse (by Piedmont standards). It offers evidence that adding a duplex or a triplex here and there will have few if any adverse effects, while creating several positive ones, such as making space for a wider range of families and households than the city's building stock currently supports. To be clear, any new duplexes or small multifamily conversions that might be enabled if we relax the restrictions in Zones A and E will be scattered, and the vast majority will be market-rate and therefore will not necessarily help Piedmont meet its state-mandated targets for housing accommodating low- and very-low income families. (Hence the need to also plan for affordable housing in Zone B.) Our housing strategies must be "both-and" not "either-or." But -plexes could help us meet our above-moderate goals, and most will be more "affordable by design" simply by being smaller than the typical 2400+ sf single-family home. And with some creativity, my hope is that some units may be able to be converted to below-market-rate housing (for example, by working with a community land trust or small-site affordable housing developer). Thank you for allowing me to offer these thoughts, and as always, thank you to staff and our city leaders for their hard work and commitment to building a more diverse, inclusive, and sustainable community.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Lucas Tomsich and Mojdeh Tomsich	We live at ...., and read the Public Review Draft of the 6th Cycle Housing Element for the City of Piedmont. We certainly agree that more people, and especially city employees, fire fighters, police, and teachers and school staff should be able to afford to live in the city of Piedmont, to say nothing of making Piedmont more accessible to a diverse community beyond the largely white and asian professionals that currently live here.
Email	Lucas Tomsich and Mojdeh Tomsich	However, we have several comments regarding the proposal to make land available for affordable housing units in either Blair Park, or on the hillside above Coach's Field. We certainly think these sites have potential for housing some of the hundreds of proposed units, but have concerns that these sites are not appropriate for all 180+ units. In particular, the land above Coach's Field is a very steep hillside, and would likely be extremely expensive to develop. This may be one of the least attractive places for affordable housing developers to build in the entire city. Similarly, Blair Park, while relatively level, may work for a smaller number of units but is not appropriate for building hundreds of units. It would also potentially create the impression of Piedmont segregating lower-income housing into a single concentrated area, near the border of Piedmont, in a canyon with no views, little daylight, and near a busy and dangerous road. The civic center of Piedmont is the logical place to build multi-family housing, as it is level, close to essential services, centrally located, and next to public transportation. It appears several parcels of land that would be the most attractive to developers were eliminated from consideration, such as gas stations (see Appendix B-6). Given the rapid shift to electric vehicles, the public utility of gas stations has already significantly decreased, and is likely to continue to dramatically decrease over the next 5 years, especially in Piedmont. The percentage of homes in Piedmont with an electric vehicle is significant, and growing. We strongly urge the City to re-evaluate the gas station at the corner of Highland Ave. and Highland Way. We further strongly urge the City to think more creatively about ways to incentivize private businesses, such as the Wells Fargo on Highland Ave and Highland Way, to sell their location (or at least the rights above their location) to a developer. Surely there must be a way by waiving or reducing taxes to incentivize Wells Fargo to sell their location. Many brick and mortar retail locations have seen significantly lower traffic due to the pandemic, and may be looking for opportunities to sell. My wife Mojdeh worked at Wells Fargo in San Francisco in 2019, and was aware that Wells Fargo was looking for reasons to close branches, even before the pandemic. We strongly urge the City to come up with a creative approach for this key location.
Email	Lucas Tomsich and Mojdeh Tomsich	If the City of Piedmont is serious about encouraging developers to build, and actually getting affordable housing built within the city, it should consider more creative or alternative locations that would be more attractive to developers. As it currently stands, the land proposed gives the impression the City of Piedmont is more interested in meeting the state requirements but not actually getting housing built. Piedmont can do better than it has in the past, using ADU's to meet the state requirements in letter, but not spirit. Thank you for all your hard work putting together the detailed Housing Element, and for allowing us to comment.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Claire Parisa	As a member of the Housing Advisory Committee, Piedmont resident, and housing professional I have eagerly combed through Piedmont's Draft 6th Cycle Housing Element. I commend City staff (particularly Kevin Jackson and Pierce Macdonald-Powell) and Lisa Wise Consulting (LWC) for capturing so much of what the community has requested in the Draft Element ("Draft"). The City and LWC have drafted a state-of-the art housing element full of incentive programs, code and regulation changes, and creative ideas to help us meet our RHNA target of 587 units. Bravo to the team for this impressive first draft. I am grateful for the opportunity to share thoughts and recommendations on the Draft in writing. Below are the priority items I would like to see addressed: 1L - Specific Plan (p. 41) I applaud Staff & LWC's vision for identifying excess City-owned land in Piedmont where we can site new housing, specifically in Moraga Canyon where our town has the most realistic opportunities for development, especially for low-income multifamily. Both during the 5/19 HAC meeting and afterward I heard from members of the Moraga Canyon neighborhood about their concerns for siting over 130 homes in their neighborhood. While this community is not opposed to welcoming new housing and new neighbors, they are concerned that they will lose valuable amenity space and want to have a voice in how the corporation yard, Blair Park, and future housing will be considered. I urge the Planning Commission and City staff to host at least two in-depth community meetings with the neighbors of Moraga Canyon to discuss their preferences for how the area might be redeveloped before the Housing Element is finalized. Instead of building housing alone we as a City should consider a "both and" approach which would pair a new multi-family affordable housing development with park enhancements at Blair Park. If we are to be successful in our efforts to build housing in Piedmont we need to welcome everyone into the tent. Simultaneously I urge us to add Blair Park to the Specific Plan. From a site feasibility perspective Blair Park is a much more logical location for housing development than some of the other sites listed in the draft Specific Plan for Moraga Canyon. For example, the hill behind the Corporation Yard (currently shown as able to accommodate 30 homes) is steep and challenging to develop. By comparison, Blair Park is a gently sloping site and already has street frontage. We should consider all the public land in Moraga Canyon, then work with developers and neighbors to land at a solution that is both feasible and neighbor supported. Moraga Canyon is our town's most valuable resource for new housing development. I would like to see us make a formal commitment to building a 100% affordable multifamily development in Moraga Canyon, financed with Alameda County A1 funding and a de minimis ground lease. The Draft is missing a bold statement committing City resources, land, and support to develop a 100% affordable housing development in town. As our own City staff has said in past public meetings, we are not going to get to 587 without at least one multifamily development. As already identified in the Draft Element, certain multifamily housing is permitted in Zone B. We need not wait for charter amendment to move forward with multifamily on this site. Let's commit to making that happen in Moraga Canyon, informed by neighborhood input. As we further develop the plan for Moraga Canyon I hope that we can explore plans not just to build low-income housing (which should be on the flattest and most accessible site) and market rate but also "missing middle" housing. I recognize that it is a challenge to develop and finance missing middle income housing, but public land may unlock this opportunity.
Email	Claire Parisa	Summarized recommendations: ● Host at least two community meetings with the Moraga Canyon community ● Pair a new multi-family affordable housing development with neighborhood amenity enhancements at Blair Park ● Incorporate Blair Park into the Specific Plan ● Commitment to building a 100% affordable multifamily development in Moraga Canyon.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Claire Parisa	3E - Affordable Housing Fund (p. 50) I was pleased to read about the proposed creation of an Affordable Housing Fund (AHF). This brings us in-line with other municipalities in California that financially support affordable housing development. However, as written the AHF is too restrictive and does not effectively leverage our City's resources. Currently the AHF monies would be used to support the development of ADUs in partnership with Habitat for Humanity. A multitude of other funding programs (both State and local) already exist to subsidize ADU development, but outside of Alameda County A1 we have no resources set aside for multifamily affordable housing development in town. We should commit the AHF to the creation of 100% permanently affordable multifamily housing development. Additionally, we should further study the implementation of an inclusionary housing zoning ordinance to leverage in-lieu fees and other contributions to fund the AHF. I suggest the City either hold and administer their own affordable housing fund or contract with another regional entity (such as the Bay Area Housing Finance Agency - BAHFA) to administer the funds.
Email	Claire Parisa	3F - Incentives for Rent-Restricted ADUs (p. 51) Piedmont has been successful in encouraging ADU development in town, and we have largely met our previous RHNA goals through this critical gentle density. I commend the City and LWC for continuing to explore options to ramp up ADU creation in town. However, we must implement a monitoring system to ensure that the promised public benefits (affordable rents for low-income tenants) are being delivered. We should implement a two-step monitoring program that would ensure public benefit without being overly onerous for homeowners and the City: 1) require annual homeowner self-reporting; and 2) mail annual letters from the City to tenants in rent-restricted ADUs informing them of the rent-restricted nature of their rental unit.
Email	Claire Parisa	Please add: Fair Housing In April Sara Lillevand and Carol Galante hosted a truly fantastic panel of realtors on real estate best practices for building a more inclusive community. The panel included concrete recommendations for homeowners, realtors, and the general public on how to reduce bias in the real estate market. I encourage the City to consider adding a continuing education and engagement campaign on fair housing education for residents and realtors to the Housing Element.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Claire Parisa	As highlighted by the two public comment letters received by the Housing Advisory Committee in advance of their 5/19 public meeting, the Draft omits perhaps the most feasible (from a development feasibility standpoint) site in town. We need to add Blair Park to the Site Inventory, not as a back-up but as a main site to consider for the Specific Plan Goal 1L. It is one of the few undeveloped sites in the City and is primed for development of both housing and improved amenity space for the community. I appreciate that it is incredibly challenging to find opportunities to site 587 new homes in town given the lack of undeveloped land in town. Many of the sites currently listed in the Draft are already developed, and well-loved, parcels (City Hall, the PCA, etc). These sites are unlikely to be redeveloped into housing. Because of the challenges presented by these sites I recommend we aim for an even higher surplus than the current buffer of 71 units. Please consider increasing options to densify Zones A & E through incentives that bolster the power unlocked by SB9 to introduce gentle density through duplexes and split lots. Much like Piedmont's success in taking statewide ADU laws a step further to encourage additional units, we can augment and expand SB9's scope to create a uniquely Piedmont solution to encouraging gentle density. Finally, a small request - the site inventory map (B-15) in the Housing Element is hard to read because it is small and relatively pixelated. Can we produce a larger City-wide map as well as "key site" maps that focus in on some of the finer grained areas (Moraga Canyon, the center of town, Grand Avenue, etc)? Congratulations again to City staff and Lisa Wise Consulting on a bold Draft Housing Element. I look forward to listening to community feedback and continuing the discussion in the months to come.
Email	Courtney Murphy	We want to express our concern about some of the plans to develop Moraga Ave as affordable housing. We are concerned that putting all or most of the units in one place segregates those residents which is something that should be avoided if we are attempting integration. That area in particular is long and slow as it is with winding narrow roads, adding more congestion during school hours could be a challenge. I know this is not an easy issue to solve, and we want to help, but consolidating housing in one area doesn't seem like the best option.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Ilene Sandler	We are residents on Maxwelton Road in Piedmont and have lived and loved this neighborhood for 12 years. We have some concerns about possible building sites that have been concentrated in our neighborhood. 1. Narrow roads, steep terrain, fire risks and fire breaks: We are very opposed to the idea of building new housing off the end of Abbott Way and off of Maxwelton Road at the cemetery gate. We are not opposed to low income housing. But we are opposed to adding to the density of a neighborhood that really does not have the infrastructure or terrain to support it. Insurance is difficult to get in this neighborhood because of the fire risk and narrow, twisty and steep roads. There is a fire break in the area off of Abbott and Maxwelton that would be best to maintain without buildings. This area has a fairly high fire risk, in general and is only a few blocks from where the Oakland Hills Firestorm of 1991 burned down huge swathes of homes. We've had two auto accidents on Maxwelton Road in the years we've lived here even with the traffic we have now. There is really not a way to support more traffic and density. Biking and walking are also treacherous, with no sidewalk or curbs, you have to walk or bicycle in the steep roads with blind turns. There is no public transportation which means there will be a lot more cars on the roads. Most children are driven to and from school 1.5 miles away.
Email	Ilene Sandler	2. Open spaces, wildlife and nature: We are on the border of nature where wildlife is just barely able to survive. We have deer, coyotes, lots of turkeys, hawks and other birds, skunks, an occasional red tail fox and other beautiful creatures. By building in their habitat, it would reduce their survival. Reducing the open spaces all of Piedmont enjoys would be a tragedy. We love this neighborhood and the city of Piedmont in a large part because of these open spaces. By building in them, it would be removing one of the city's best qualities, resources and beauty. For example, we regularly use Blair Park and the Spring Trail. It makes much more sense to build higher density and taller buildings in flat parts of the city that have curbs, sidewalks, wider roads, bike lanes and buses to support more people, like off Grand Avenue or in the center of Piedmont, where low rise buildings could more easily and more cost effectively be replaced with higher rise buildings. We understand the need for additional housing, but it would be better to see it spread throughout the city or located in easier to build locations that have the needed infrastructure already in place.
Email	Irene Cheng and Deborah Leland Co-Chairs, PREC Housing Committee	See attachment 2
Email	garrett keating	See attachment 3

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Amber and Chris Brumfiel	As a Park Commissioner, I attended the excellent Housing Element presentation last night at the Park Commission hearing. After reflecting overnight, I wanted to share a new comment from my husband, Chris Brumfiel, and me (as a member of the public, not a Commissioner): We appreciate the deference to preserving open space. However, if there is a possibility that Blair Park will be developed, we strongly urge that the City consider the dog run area at Linda/Beach. Blair Park is not near transit and Moraga is very narrow, so cars would be required and getting to any manor artery would be difficult and impact traffic and bike and pedestrian routes. Blair Park is beautiful open space. However, the dog run area at Linda/Beach has a very limited use: as a relatively unsightly dog run. The grassy area is being redone and is not very usable. Two other very large dog runs are available not far away in Dracena and Piedmont Parks. With excavation and shoring, the space could be developed. There is ample transit available on Oakland Avenue. Plus, easy access to 580, etc. Consideration of this area also seems vastly preferable to development in the center of town.
Email	Richard Saykally	A concern that has emerged in my research and discussions on the matter, involves the requirements for and availability of the respective utilities required for the proposed 580 new units to be added to the Piedmont community. Noting that natural gas will not be available for these new units, and that provision for electric charging stations will be a necessity, a considerable additional burden on our electrical grid will clearly emerge. My question to the committee and associated engineers, is …How serious will this burden be?? The committee needs to identify the sources of our electrical generation, how far the power must be transmitted(often through badly aging and deteriorating overhead power lines), and whether the power generation and transmission will be capable of sustaining our community at a reasonable level(noting that within the last two years, there have been serious outages that resulted both from wind damage and from auto accidents involving power poles). Generally less vulnerable, but similarly vital, is our water distribution system-particularly given the predictions for extended and severe drought. And perhaps our sewer system as well. I would appreciate it if the committee could discuss these issues with the appropriate engineers and respond to these questions.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Marjorie Blavkwell	I understand the enormous task ahead of you to analyze, reach consensus and recommend your conclusions for the draft Piedmont Housing Element to the City Council. I am writing regarding the proposal to develop 132 low – and moderate-income housing units in the Corporation Yard, or if that proves infeasible, to build 200 low-income units in Blair Park. I urge you to weigh carefully the impact of both of these proposals. While Moraga Canyon may seem like a great solution to Piedmont's scarcity of developable land, there are serious drawbacks to these sites. • Moraga Ave. is the City's busiest thoroughfare in the City, with speeding traffic in both directions 24/7. There is no safe place for a pedestrian crossing on Moraga Ave. from Blair Park. A traffic study done 10 years ago concluded there are insufficient sight-lines for a traffic light. • Moraga Canyon is over a mile from central Piedmont, schools, services and major bus routes. Putting half or more of the City's requisite low-income housing in Moraga Canyon is not equitable and likely would not meet HCD's requirement that housing be integrated into the community. • To quote the Housing Element draft: "Wildfire is Piedmont's most significant environmental hazard. Over a third of the City's residential area is located in a Fire Hazard Severity Zone, with increased exposure in the southeast where over nine percent of the City is in a Very High Fire Hazard Severity Zone (VHFHSZ). Parts of Piedmont have similar landscape character as the area burned in the devastating 1991 Oakland Hills Fire, the southern extent of which nearly reached the City's open spaces along Upper Moraga Canyon." I can assure you this is completely accurate. Moraga Ave. was total gridlock during the 1991 firestorm, with people from the hills trying to flee the encroaching flames. Imagine the scene with the addition of 200 more households trying to escape. In addition, Moraga Canyon is less than a mile from the Hayward Fault.
Email	Marjorie Blavkwell	• Perhaps most important of all, taking parkland for housing would set a precedent. No other city has proposed doing this, and it could lead to unfortunate consequences. If Blair Park is developed, what about other Piedmont parks – Crocker, Linda Beach, and more? Further, as Piedmont's population increases with potentially several thousand more residents, local parks and open space will become all the more valuable. Blair Park is a designated park in the City's General Plan. It is a wildlife corridor, an oak woodland, the site of a designated Heritage Tree, an off-leash dog park and a quiet retreat for those who want to sit or stroll through and enjoy its peacefulness. It could be far more attractive and usable if the City funded the landscape plan. Parking could be improved, picnic benches installed, and more. • I agree there is some potential for housing in the area behind the Corporation Yard, perhaps half of the 111 units proposed in the draft Housing Element. Thank you for your consideration and for all of your efforts and hard work on behalf of Piedmont.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Lawrence Siskind	We have lived in Piedmont for 36 years, first on Manor Drive and for the past few years on Maxwelton Road. We appreciate your hard work in creating the housing element proposal. There is no question that you are making a good faith effort to reconcile many different, and often conflicting interests. But it appears to us that you are failing to give due attention to the effect of segregating a disproportionate amount of low-income housing in the area adjacent to and north of Moraga Avenue. One of the sad lessons of the urban renewal plans of the 1950s and 1960s was the harmful effect of segregating neighborhoods by constructing highways through urban areas. Of course, there are no highways in Piedmont, but Moraga Avenue is analogous. For most of its length, it is a high speed thoroughfare, lacking stop signs or traffic lights. It separates the Corporate Yard and a residential area from the rest of the City. It is dangerous to cross. Locating most of the low-income housing on one side of Moraga Avenue will not only segregate the new residents, it will also expose their children to traffic hazards. There is no public transportation connecting the area north of Moraga to the rest of the City. The new resident children will have to cross Moraga to attend Piedmont's public schools. Or they will have to be driven, which will add to the already heavy traffic volume. The City has long recognized the dangers posed to cyclists and pedestrians attempting to cross Moraga Avenue. The City's October 28, 2021 Safer Streets Plan noted: "Moraga Avenue presents a special danger to cyclists because of the hills and curves, and to pedestrians at several intersections, especially at Coaches Field." (P. 22) The Plan designated Moraga Avenue for improvements "because of a long history of speed-related collisions causing property damage and near-misses." (P. 37) It also noted that "Moraga Avenue is particularly challenging for cyclists and pedestrians." (P. 58) When we mention these traffic dangers, we are not doing so abstractly. Our daughter and her husband were hit by a car while making a legal turn off Moraga onto Maxwelton Road. Their car was totaled and our son-in-law suffered a concussion. The police at the scene, and a neighbor residing at that corner, told us that such accidents are common in that locale. The current plan proposes to situate the majority of the new residents in an area adjacent to Moraga Avenue, thus exposing them and their children to daily risks.
Email	Musik Lover	I'm writing to request that Piedmont extends the time for public comment on the housing plan update. State of Calif doesn't require the update until 1 year from now, so we're not served by rushing it.
Email	Liz O'Neil	Thank you for your time and attention in the creation of the housing element proposal. We are glad that Piedmont seeks to address the issue of providing a range of housing options for a range of incomes. We were surprised that your proposal designated only one location for low-income housing. There are impacts and solutions that we urge you to address. Grouping all low-income housing in Corporate Yard means all low-income families live on the outskirts of town, all in one area, and separated from the rest of Piedmont. Integration of low-income families throughout Piedmont is essential and can be achieved by spreading affordable housing throughout Piedmont and decreasing the amount of units in Corporate Yard.

: Public Comment / Questions / Responses

Method of Communication (Email, phone call, etc.)	Commentor	Comment/ Question
Email	Liz O'Neil	Additionally, the current plan of all low-income housing in one location disproportionately impacts the nearby area. We are happy to welcome new neighbors and feel that more zones in Piedmont need to allow for low-income housing. This is important to support integration of new residents rather than the current proposal which segregates our lowest income residents in one location away from the rest of Piedmont. Additionally, studies have shown that low income housing does not lower surrounding property values unless it is aggregated in one location within a city (as the current proposal does). This can be remedied by spreading affordable and low income housing amongst other Piedmont locations. a. Blair Park (though this will not address the serious concern of the segregation of low- and moderate-income housing given close proximity to Corporation Yard) b. Rezone city center area to allow for increased occupancy housing. This area is especially appealing as it means children could easily and safely walk to school. There are many locations with great potential. i. Bank of America is underutilized ii. Relocate tennis courts to either the roof of a low-income housing structure or to the Corporate yard area. iii. Center for the Arts c. Allow for units that are higher than 30 feet on Grand Avenue. Grand Avenue currently has the infrastructure to support additional housing (sidewalks, wide streets, traffic lights, public transportation) that the Corporate Yard area lacks. d. Look again at church site possibilities. e. Zoning changes in zones A & E to allow for duplex and fourplex housing. Given the sizes of many lots and structures in these zones, there are likely creative ways to secure low- and moderate-income units.
Email	Louis Wu	I am writing to request that the City of Piedmont extend the time for public comment on the housing plan update. State of California doesn't require the update until 1 year from now, so we're not served by rushing it.
Email	Michael Henn	See attachment 4

Attachment 1

May 4, 2022

Dear Commissioners,

I am concerned about the sites chosen for the mandated new housing in Piedmont. I was disappointed that the "Housing Puzzle" did not allow Piedmont citizens sufficient input. I'm sure that Piedmont can be more creative than placing all of the high density, low income housing on the edge of town. After conversations with a city planner, it is clear that most of the suggested sites(Figure B-2: Draft 6th Cycle Housing Element Site Inventory by Income Category)for high density housing are not realistic, e.g. the churches are unlikely to give up their property for housing.

Attached are 10 suggested sites that should be investigated further to assimilate new occupants into Piedmont. One site that did seem quite realistic on the Figure B-2 map, was the Piedmont Community Tennis Courts at the corner of Vista Ave and Bonita. The courts are centrally located, viz. a short walk to food shopping, banking, schools, parks, a church and bus stops. That location, along with a few other sites that are centrally located (see my attachments) should be an easy build, with existing streets, utilities and multi-story buildings already in place. I was skeptical about Piedmont relinquishing tennis courts for housing until I was told by a city planner that the courts could actually be located on top of the building! Hence, since tennis courts can go on top of housing units, should we not consider other tennis courts around town for housing? Another site in the central Piedmont area that should be considered for housing is the Piedmont Center for the Arts. A replacement building could have the Piedmont Center for the Arts on ground level, with high density housing above it. Another convenient location for housing is the parking lot at Piedmont Park. I was told by a City planner that this was not possible because it is part of the park. It's not a park, it's a parking lot! The parking lot at Coaches Field is slated to be housing, so why not the parking lot at Piedmont Park?

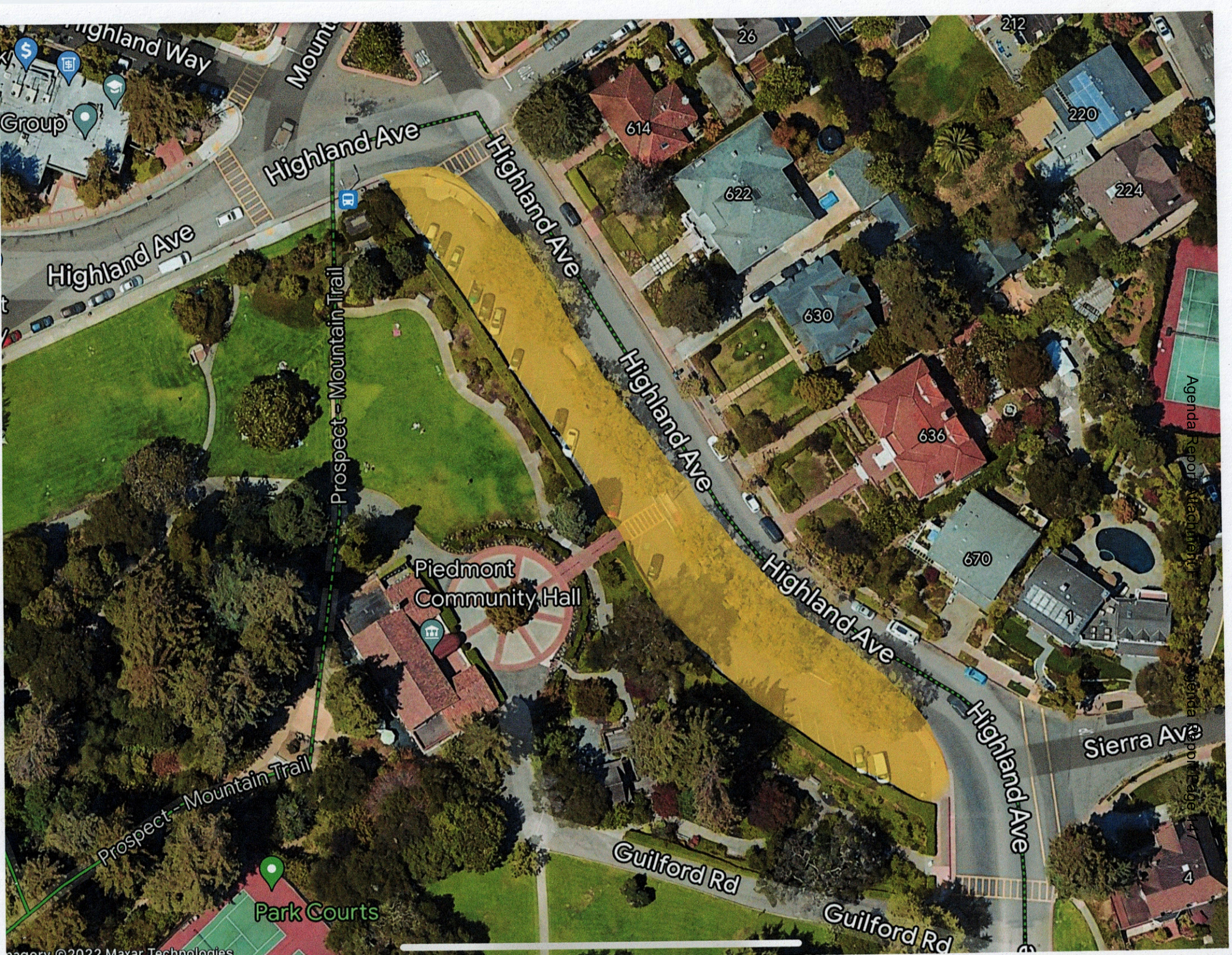
Some other possible locations for our new housing requirements are shown in my attachments. Townhouse-style housing could be located in the medians of Fairview, Grand Ave, San Carlos, and Inverleith Terrace. There are also large street intersections throughout town that could be redesigned to acquire additional buildable lots for housing. This may seem improbable, but with 400 sq ft allocated for single occupancy units and 700 sq ft for family units, it should be investigated. When the old Havens School needed to be replaced because of earthquake hazards, Mark Becker came in with a beautiful design at a price that most Piedmonters did not think possible. Why doesn't Piedmont try embracing our new housing requirements by integrating new residents throughout our community, rather than concentrating them all on the edge of town? SOME housing in the Coaches Field area may be reasonable, but not MOST of it, which is the reality of Figure B-2:Draft 6th Cycle Housing Element Site Inventory by Income Category map.

Many homeowners in our neighborhood bought in this location because of the open spaces, which comprise one of the few wildlife areas left in Piedmont. The steep, hilly wildlife corridor above the Corporation Yard will be difficult and therefor expensive to build high density housing on; it should be left for the deer, turkey, fox and coyote, as well as the people of Piedmont to use. This area of town in 1884 was the original historic Blair's Park, a 75 acre amusement park (historyofpiedmont.com). Some of the historic trails and fantastic view points are still there and could easily be revived for general use by Piedmonters!

Chris Read

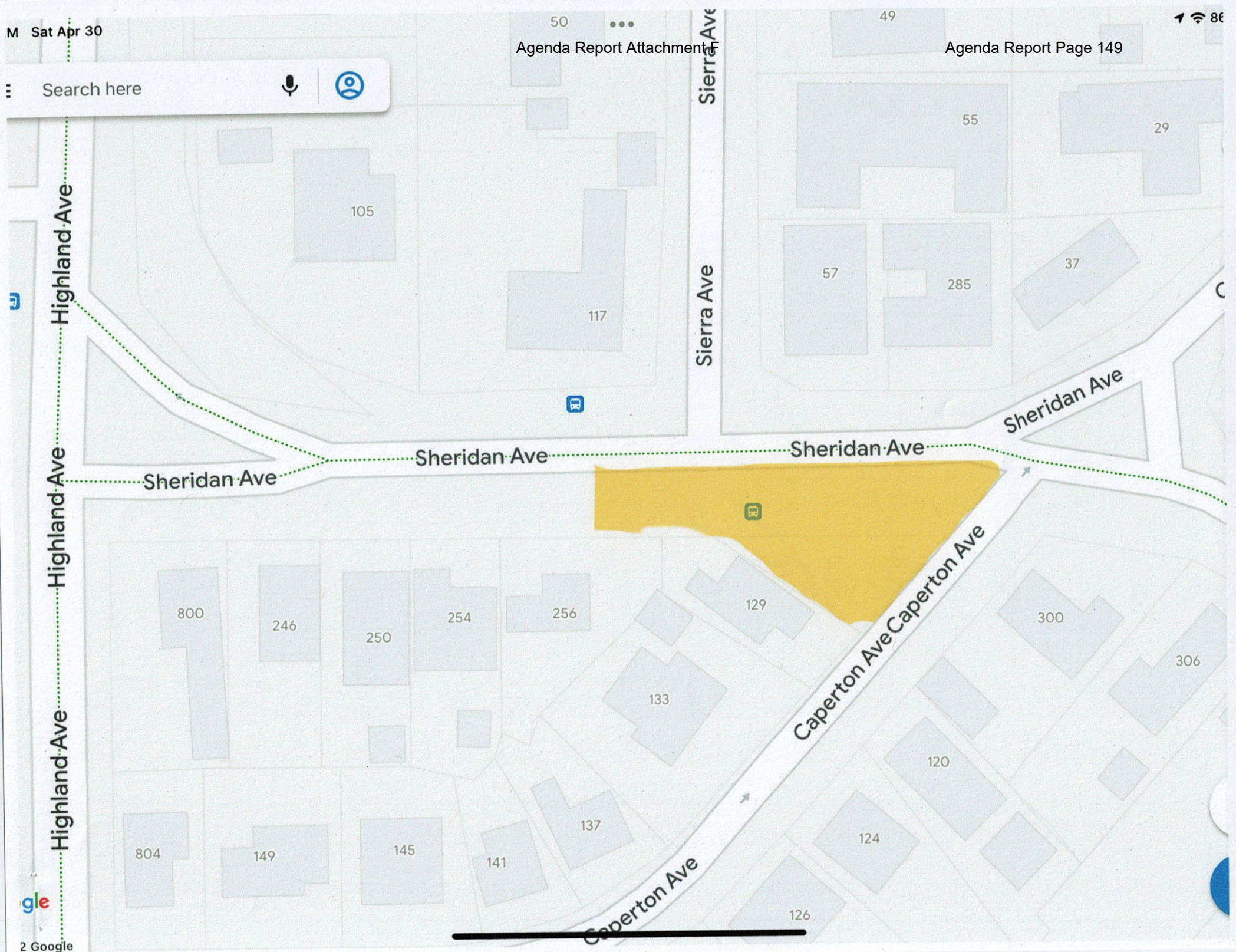
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Abbott Way


Piedmont City Hall
Piedmont Center for the Arts
Vista Ave
Piedmont Community Tennis Courts
Dress Best For Less-Donations
Thrift store
Bonita Ave
Magnolia Ave
Piedmont High School
Hillside Ave
Piedmont Recreation Department
15
17
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340
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Arbor Dr
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San Carlos Ave
San Carlos Ave
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San Carlos Ave
San Carlos Ave
Hill Ln
Nova Dr
Jerome Ave
Keefer Ct
El Cerrito Ave
El Cerrito Ave
Mo's Bake Shop
Oakland Ave
Oakland Ave


1009
1001
1005
1004
3917
Winsor Ave
Winsor Ave
Harvard Rd
Harvard Rd
Lakeshore Ave
Lakeshore Ave
STOP

800
Dudley Ave
716
712
710
Blair Pl
Blair Ave
Blair Ave
Blair Ave
Scenic Ave
Scenic Ave
Reservoir Number Two

PREC Piedmont Racial Equity Campaign

Date: May 5, 2022

To: City Council, Planning Commission, Housing Advisory Committee, Piedmont Planning Staff and City Manager

Re: Feedback on the Draft Housing Element

Dear Members of the Planning Commission, Housing Advisory Committee, and City Council:

The Piedmont Racial Equity Campaign (PREC) Housing Committee has reviewed Piedmont's recently released draft 6th Cycle Housing Element (HE). We want to thank the City for its positive, constructive approach to the Housing Element, and commend the City staff and Lisa Wise Consulting for their hard work putting together such a comprehensive and thoughtful draft. We generally think the City has done a great job identifying sites, policies, and programs to facilitate housing production. In particular, we applaud the City for proposing to increase the allowable density in selected areas and outlining steps to build affordable housing on city-owned land. Many of these policies will help our community do its part in helping address the regional housing crisis while also furthering fair housing and equity. Beyond meeting a state legal requirement, the Housing Element offers an exciting and welcome opportunity to help make Piedmont a more diverse, equitable, culturally rich, and inclusive community. By building more housing, we also help ensure that current and future members of our community–including seniors, adult children, teachers, and nurses–can afford to live in Piedmont.

To achieve this vision, we believe the City must take an "all of the above" approach to housing. We must build ***more housing, for everyone, everywhere***. In accord with those principles, we have several suggestions for improving the draft, which are enumerated below. We want to call attention to three proposed changes in particular:

1) **Strengthen strategies for producing affordable housing in Zone B (Public Land) by expanding the number of Zone B sites under consideration, allowing affordable multifamily uses in this zone, and coordinating the timeline for development to match the requirements of Measure A1,** among other steps. Building on public land is the City's most realistic path to creating real affordable housing and we should make sure the Housing Element will enable thoughtful and sustainable change in our community.

2) **Commit to exploring policies that introduce "gentle density" in Zones A and E (the Single-family and Estates zones) through allowing duplexes, triplexes, and fourplexes, as well as subdivision of large lots and mergers of lots** if conducive to

the development of -plexes and other small multifamily buildings. These types of housing already exist in the middle of Piedmont's single-family zones and fit in well: We should allow more of them to be built.

3) **Create policies that enable and incentivize the development of affordable housing throughout Piedmont**. Housing that is affordable should be located in all the different zones (residential, commercial, and mixed use) to support an integrated community. Our call for the distribution of affordable housing *everywhere* should not be confused with opposition to building *somewhere,* on a specific site. Rather, our position is that we should build affordable housing in multiple areas of the City--in other words, more, not less.

Additional details about these and other recommendations are laid out below.

General recommendations / suggestions:

- We commend the City for producing a Site Inventory that lists sites accommodating 658 units, 71 over the goal of 587 units. However, many of the sites in the inventory are highly unlikely to yield the numbers of units listed, either because they are already built out, steep, or have other hurdles. (For example: The Site Inventory includes the Piedmont Community Church–an Albert-Farr designed complex from 1916--as well as the Piedmont City Hall. Both would appear unlikely to be redeveloped to include housing in the next eight years.)

- Moreover, many of the housing ideas in the draft Housing Element are untested in Piedmont. Without any track record of mixed-use development, density bonus projects on church/temple parking lots or development of public land in Zone B for multi-family housing, the city needs to add more potential sites to its inventory to ensure there will be a good chance of meeting its RHNA goal. Following HCD recommendations, **we believe the City should "over-zone" by 20%, to ensure we meet our targets, aiming for a Site Inventory that identifies sites for 704 units.**

- The draft plan includes a policy to "monitor the effects of the City Charter," and another one to "consider modifications to Charter regarding zoning amendments." (See policies 4.G and 4.H, at pages 56-57). We welcome these policies and the City's willingness to consider amending the Charter to facilitate housing production, but want to emphasize that under the Charter a vote *is required only* to "reduce[] or enlarge[] with respect to size or area" the different zones, and to "reclassif[y]" any zone, and *is not required* to carry out other changes to the various zones. (See Charter, Section 9.02). The Planning Code confirms this interpretation, stating that "in Section 9.02, the prohibition not to reduce, enlarge, or reclassify a zone without a vote is understood to mean the city may not change the zone boundaries, or change (reclassify) a property from one zone to another." (See Planning Code, Section 17.02). **All of the changes identified in the draft plan--as well as others not identified there now but that would be highly**

desirable, like allowing for "gentle density" in Zones A and E–could be undertaken by the City Council without a vote of the people, since they leave the zone boundaries unchanged and increase density in moderate amounts, while adding flexibility to the applicable zoning and building controls.

Suggestions regarding Zone B (Public Facilities):

- We welcome Program 1.F, which proposes that the City consider expanding residential development in publicly owned lands. In order to ensure that these properties are available for affordable development, the HE draft proposes to amend Zone B to accommodate a density of 60 units per acre. However, the program doesn't explicitly state that **Zone B will be amended to allow for multifamily housing,** beyond the currently allowed uses of single-family, supportive, transitional, and emergency housing. We understand this to be implicit in the language of the program, but to avoid ambiguity we ask that the City please rephrase Program 1.F.
- **Additional Zone B sites should be added to the Site Inventory,** including underutilized spaces such as Blair Park and Kennelly Skate Park, and all such sites should be included in the programmatic EIR.
- **Basic site feasibility analysis should be conducted in the near term to prioritize development of Zone B sites.** All sites should be studied simultaneously to determine which are viable for affordable housing development. The City should then establish a timeline and process to seek Requests for Proposals from developers for viable sites.
- The schedule for development of Zone B sites does not contemplate an Exclusive Negotiating Agreement (ENA) with a developer for a specific site on public land until 2026. **This schedule should be accelerated** (per the process above) for at least one Zone B site to enable Piedmont to use its A-1 bond allocation on public land.
- Instead of–or perhaps in addition to–a specific plan for the Corporation Yard, **the City should do a specific plan for the Civic Center:** a comprehensive master plan that explores parcels like City Hall, Veterans Hall, the tennis courts, and 801 Magnolia, all together, potentially including some of the adjacent commercial sites as well. With its wide streets, larger buildings, and proximity to schools, city employment opportunities, and recreation resources, the Civic Center offers an ideal location for denser and more affordable housing.
- One site in the Corporation Yard is designated as Above Moderate or market rate housing in the Site Inventory. **The City should prioritize affordable housing on publicly owned land.** If any market rate housing is developed, it should subsidize affordable housing in other locations.

Suggestions regarding Zones A and E (Single-Family Residential):

- The draft Housing Element makes minimal changes to Zones A and E, which occupy 68% of the land in the City, apart from ADU incentives and enabling SB9 lot splits. **We believe the City should explore zoning changes that allow duplexes, triplexes (or more on larger lots of an acre or more)** in these areas.

- Over the last five years, there has been a widespread recognition that single-family zoning was an extremely harmful policy with historical origins in racial animus. San Francisco, Berkeley, and Oakland are following the lead of cities like Portland and Minneapolis in moving away from single-family zoning, and we believe Piedmont should do the same.

- With its recent laws permitting ADUs and duplexes on most single-family lots, the State has already done much to erode single-family zoning. By law now, virtually every "single family" lot in California is permitted to have up to four dwelling units, if some conditions are met and the lot is first split into two. In addition, property owners are allowed to build a junior ADU and a detached ADU. In essence, then, the "single family" lots in Zones A and E currently allow small multi-family developments. However, existing laws still carry numerous restrictions that limit their effectiveness. For example, ADUs cannot be sold separately from the main house. SB9 requires lots to be evenly split and owner-occupied: It does not permit, for example, a 4000 sf lot to be created out of a 15,000 sf lot. Piedmont can pass its own policies implementing ADU and SB9 laws, to enable greater flexibility in configuration and therefore make housing production more likely.

- Some of the innovative types of dense small-scale development that are happening in surrounding neighborhoods (for example mini-lot developments in Oakland that put 3-4 townhouses on a single-family lot) are not possible under Piedmont's zoning. We should update our zoning in Zones A and E to enable these types of "affordable by design" housing.

- Beautiful examples of scattered duplexes, triplexes, quadplexes, and small multifamily housing already exist and are nestled within Zones A and E in Piedmont. We should enable more of this kind of housing to occur.

- The City has listed numerous sites in Zones A and E in its Site Inventory as potentially yielding approximately 60 new dwellings for above-moderate income households. Presumably these are anticipated to be built through lot splits or other unspecified means. Since Piedmont does not have a track record of new single-family construction occurring on large lots, more flexibility and incentives will be required to increase the likelihood of new construction and redevelopment in Zones A and E.

- **The City should reduce the minimum lot sizes in Zones A and E** (to at least 4,000 sf in Zone A and 10,000 sf in Zone E) to facilitate lot splits for new housing production.

- Likewise, **the City should explore permitting lot mergers to allow for the construction of small, multifamily buildings,** and consider conditioning the benefit of the merger to the requirement of a certain percentage of affordability, or other requirements such as the inclusion of smaller, "affordable by design" units. In this respect, we urge the City not to limit its consideration of lot mergers to facilitate housing to Zones C and D only (as proposed by Policy 1.L), but to extend its consideration of this policy to the other residential zones, too. We note that Policy 4.K, which calls for "a study to better understand the viability of affordable housing development on small lots," including the consolidation of land to develop smaller (<10 units) affordable development projects, appears to be a step in that direction. Please continue to explore ways to change the zoning controls in Zones A and E, to allow for more flexibility and feasibility of small multifamily buildings, including affordable ones.

- **The city should explain how the State's density bonus law will be implemented in Zone A.** A cross-referencing of this state law is only in Chapter 17 for Zones C and D. No guidance is provided in the zoning code for sites in Zone A where the church/temple/school parking lots are located.

- The draft HE includes policies related to SB 9 implementation, but proposes to advance these policies in years 2025 (objective design standards), 2027 (amendments to encourage large lot splits) and 2026 (developers fact sheet and FAQs). **We encourage the City to work on these implementation measures much sooner** than that. Taking too long may discourage development and thus frustrate the City's and the state's goals to encourage housing production. Worse, it may encourage haphazard development and protracted implementation hurdles, leading to increased costs and staff time. For reference, HCD recently released SB 9 implementation guidance, available online at https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf

Suggestions regarding Zone D (Commercial/Mixed-Use):

- **We urge that the Draft description of Program 1.H "Increase allowances for Housing in Zone D" be amended to allow single-use residential buildings with a specified level of affordability,** rather than the tentative language "The City will also consider waiving ground floor commercial in Zone D."

- **We support the goal of inclusionary housing**--that is, a requirement for affordable housing to be included in market rate multi-family housing projects--addressed in Program 3.G and Policy 3.8 of the Draft HE. We urge the City to carry out financial feasibility analysis to support the creation of a viable inclusionary housing or in-lieu fee program.

- The LWC financial model released last year in October should be updated to reflect a more realistic construction cost and the higher assumed cost of land shown in Appendix B. **The revised inputs in the LWC financial model should support the density**

proposed for Zone D of 80 du/acre, or a different density should be proposed that is supported by the model.

Suggestions regarding Zone C (Multifamily):

- **The City should introduce a housing preservation policy disallowing the conversion of existing multifamily to single-family dwellings.** We note that Policy 2.6 calls for the preservation of existing multi-family housing, but it does not appear to be accompanied by any implementing programs. Program 2.D requires that the existing Condominium Conversion program be maintained, but it is unclear whether this law would protect existing multifamily units from conversion into single-family dwellings. Please clarify, or add the necessary language to the HE draft to ensure that is the case.
- **The City should encourage affordable housing development in Zone C,** using similar incentives and tools as those proposed for Zone D, above.

Suggestions regarding ADUs:

- We support ADUs and believe they can be an important piece of housing production. However, we know that many ADUs in Piedmont are not rented out. As the City contemplates creating more incentives for ADU production, it's essential to **carry out analysis and regular monitoring to understand whether and how ADUs are adding rental housing to the City.** We need data to better shape effective policies for the future.
- **The draft Housing Element should include a specific regulatory plan for City staff to make sure new ADUs created under City-supported incentives are leased at affordable rates**, and continue to be occupied by persons who qualify for affordable housing.
- An expected rental yield rate for ADUs should be determined and used to reduce the 140 planned ADUs to the number of expected rental units. **Analysis of how ADUs have been used in Piedmont, i.e. rentals, guest quarters, offices, is required under current HCD guidance.**
- ADUs can also have counterproductive effects on a market like Piedmont's, leading in aggregate to larger houses that are even more out of reach to moderate-income buyers, at a time when the City is also trying to preserve its stock of smaller homes. Again, we strongly support ADUs if they can lead to production of affordable rental housing. We believe policies need to be tailored to be more effective at doing that.
- **We oppose Program 1E. Require ADUs for New Single-Family Residence Construction.** Requiring owners who do not wish to build an ADU to do so only raises construction costs without necessarily yielding new rental housing.

Other Suggestions

- We're glad to see the City is proposing the creation of an affordable housing fund (Program 3E). However the only specific purpose listed for the fund is low-interest loans for ADUs. **We believe an affordable housing fund should also be used to support other types of projects, such as affordable housing and small site development,** which would be more effective uses of affordable housing money in Piedmont.
- Maps of current zoning and the Site Inventory should be in the body of the report, not just Appendix B, and at a readable scale, for downtown especially.
- An easily understood version of Table B-9 should be in the body of the report, grouping together the single family parcels and identifying parcels by familiar names.

In conclusion, we thank the City for the opportunity to offer this feedback on the Draft Housing Element. We are proud that Piedmont, unlike many other cities in California, has taken a positive, proactive approach to the Housing Element, and is committed to doing its part in creating more housing.

Yours truly,

Members of the PREC Housing Committee

Sachin Adarkar

MeghanBennett

Irene Cheng

Elise Marie Collins

Frances Fisher

Carol Galante

Ellen Greenberg

Beth Hughes

Sarah Karlinsky

Betsy King

Deborah Leland

Jill Lindenbaum

Linda Loper

Hugh Louch

Andy Madeira

Andrea Ruiz-Esquide

Brett Snyder

Alice Talcott

Tracey Woodruff

Randy Wu

Hello Piedmont Planning Comission:

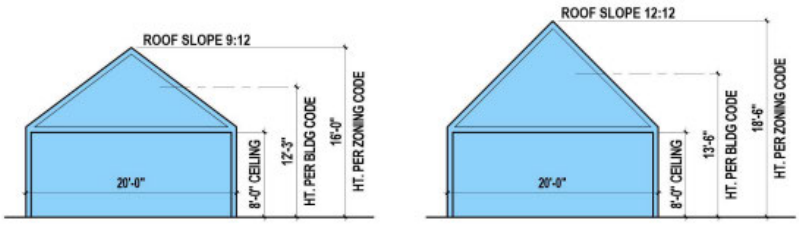
Comments on the Housing Element (HE) for your consideration.

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."**



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.

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.

"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."

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 rational 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 5th 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 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.

Table 3.2: Lot Sizes in Piedmont, 2007 (*)

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%
Total smaller than 10K	*3,136*	*78.1%*	*409.5*	*51.8%*
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%
Total larger than 10K	*880*	*21.9%*	381.6	48.2%
GRAND TOTAL	**4,016**	**100.0%**	*791.1*	*100.0%*

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 5th Cycle and are projected to be achieved (with 10% surplus) in thr 6th 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 6Th 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.

Garrett Keating
[redacted] Ricardo Ave.

Attachment 4

May 5, 2022

Dear Planning Commissioners,
I am Michael Henn, a longtime resident of Piedmont and a mostly retired city planner who has been through the Housing Element process several times as staff with different jurisdictions. I was also on the Piedmont Planning Commission which worked on the current HE. I have also served on the Alameda County Grand Jury three times. I think most planners and managers recognize that each city goes through this HE exercise primarily because we are required to do so by the state. Nevertheless, a good faith effort is needed to avoid legal action and being targeted by militant housing advocates like Yimby Law and Public Advocates. I would think that there is more likelihood of Piedmont being criticized by HCD and housing advocates for including infeasible sites in the inventory than for accepting the legislature's intent and welcoming more ADUs and SB9 duplexes and potentially a few lot splits for developed lots. As proposed in the Draft HE, little benefit would result from ADUs and none from SB9 potential duplexes and lot splits. This failure to benefit from pro-housing legislation creates more pressure to place sites into the inventory which are increasingly improbable. For example, Corpus Christi School's playground is a highly suspect site for high density apartments. Where are the kids going to play? Cannibalizing a city's already inadequate parks and open space was not intended by the legislature. The Quimby Act sets minimum park acreage standards per 1000 residents. Piedmont's park acreage is already deficient under the law. Losing developed parkland acreage to the HE would worsen the deficiency. Including such sites is also not going to be politically acceptable. Thus, proposing high density multifamily housing for sites like Coaches Playfields and Blair Park invites valid criticism. What is the city going to do for a corporation yard if the one and only one we have is actually included in the HE list, and lost?

I would suspect that jurisdictions which are more protective of the qualities of their communities will handle their RHNAs differently. They will assign larger numbers toward both ADUs and SB9 housing. Given the extensive litigation statewide against RHNA assignments (34 cities in SoCal), and the State Auditor's criticism of the HCD's RHNA methodology, I would expect that HCD will be conservative in rejecting such attempts, if at all. Logically, HCD should be receptive to allowing a substantial unit yield from both sources. The State passed the "by-right" ADU without requiring any parking, and the by-right duplex/lot-split laws with the expectation that these strong new laws would have a significant impact in producing needed infill housing. To now disparage their significance makes no sense and actually endangers the city to unnecessary litigation because of the lack of a realistic expectation that many of the selected sites could ever achieve the necessary units.

The city staff and their HE consultants have not made use of the fact that HCD has issued an opinion document on how to treat potential SB9 units in a HE. The SB 9 Fact Sheet on the Implementation of Senate Bill 9, dated March 2022, provides for a means to allow valid new housing units from SB9 into a HE. As stated in the HCD document: "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 non-vacant 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."

I would expect that staff and the outside consultants should be able to provide a defensible analysis which could provide, for example, a couple hundred units over 8 years. Also, the HE is being too conservative for potential ADU production. The "by-right" ADU law passed in 2019 and it takes a certain time for such a change to filter through a community and be broadly implemented. To take only the average of past ADU production, when regulations were more restrictive, makes little sense.

Although not directly related to Piedmont's Draft HE, it should be pointed out, in general, that HCD's RHNA assignments are severely problematic. Throughout much of the last decade California was adding 200,000 or more people per year to its population although slowing toward the end of the decade. The draft RHNA numbers, which assumed continued and even higher growth rates were circulated to planners by 2019. These older numbers remained almost unchanged in the final adopted statewide metro-by-metro RHNAs. However, there was actually a significant halting of state population growth followed by a significant and unprecedented population decline after January 2020. Nevertheless, the HCD administration refused to update their obsolete assumptions. Numerous articles, such as the following, have publicized this decline, but that reality has done nothing to update the state or local RHNAs.

Exodus: Bay Area, California population dropped in 2021 as people left (mercurynews.com)

https://www.eastbaytimes.com/2022/04/10/walters-californias-shrinking-population-has-big-consequences/

Besides not being demographically sound, the state's collective metro RHNAs add up to some 2.2 million units for the state by 2031. At the typical 2.8+/- people per dwelling unit, the state is assuming that there is a need for housing for 6 million more people by 2031, or 750,000 per year. That number is higher than any year in California history. Planners I've talked to at MTC/ABAG defend their overshoot by saying the bigger numbers are needed to reduce overcrowding and reduce the number of people who are cost-burdened by the high cost of housing. While a laudable goal, it is rather speculative as to how much excess housing is needed to bring down the cost of housing to where it

becomes affordable. And why would builders build such an amount if the present profit margins were to go away?

Another aside that is not directly aimed at the current Draft HE, in my view a proper RHNA process should be a bottom-up not top-down process. State and regional planners allocated RHNA housing units to over 500 jurisdictions without knowing what is existing on the ground. Instead, the process should start with an accurate and detailed inventory of each jurisdictions vacant and underutilized sites, and the actual density of developed residential areas (Most of Piedmont has relatively small lots compared to the suburbs so Piedmont is already about four times denser than, say Orinda or Lafayette). Only once this factual background information is known, units can logically be assigned. Piedmont is largely built out, but that fact was not known or appreciated in Sacramento.

To conclude, I believe Piedmont should slow down the review process and ask for an extension. Then we should eliminate the sites that most would consider infeasible, particularly if the owners knew their sites were on the list. The HE does not provide evidence that the owners have been contacted and are in agreement. Responses should be obtained from at least Corpus Christi Church, Kehilla Synagogue, Zion Lutheran Church and Ace Hardware that these sites are available for affordable housing, or not. If the answer is No, then these sites need to be struck from the list. Then, the HCD SB9 review process should occur to identify larger private lots feasible for SB9 lot splits, and assume that a proportion of the single family homes could very well be converted to duplexes or Tenant-In-Common two family residences (TICs). Much of the apparent single family housing in San Francisco is actually, two-family TICs. I hope that these comments are is appropriately addressed. I fear that the staff and consultants have already set out on the path they wish to take. Doing so could unnecessarily produce opposition and even litigation, and do little for actually producing the housing that the Housing Element process is meant to achieve.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Christina Maybaum	I would like to understand who is creating and developing the proposed sites for this new housing? Removing our Veterans Hall which is used for classes for children, adults and the elderly does not seem like a wise decision. As it stands, our city has very few venues for classes and gathering spaces. Removing the few we have left to create more density of housing is not something that adds value to the current 10,000 residents of Piedmont. The center of town is currently very dense with activity around our tiny commercial district, our schools and our community park. Is this really a location where we want to create more density, more traffic and more congestion? Where would these new residents park their cars? I am curious to know for the proposed housing at Couches Field, does the field get removed as well? I have received feedback from all the field sports in Piedmont that we don't have enough available fields. Removing another would be very unfortunate. Will there be a vote in our community on these huge decisions that will impact our lives?
Email	Joyce & Kenneth Polse	Joyce and I have been residents since 1972 and have lived in our current home since 1979. We are enthusiastic about many of the civic improvements Piedmont has done, and can't remember a time when I was more concerned about the direction some of the leaders are suggesting in the proposed new housing plan. Below are some of our concerns: Environmental Impact. Several of the proposals have the potential for adverse impact on the environment. For example, adding 100+ housing units to the Blair Park/Corporation Yard Area will increase automobile traffic which will add to both noise and air pollution. Has there been an impact study to access the effect such housing would have on the environment? Regarding the possible use of Blair Park for additional housing I have the same question. It is my recollection that when this area was being considered for a soccer field, the Environmental Impact Report showed that on many levels the soccer complex idea was unsound and unsafe and the project was stopped.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Joyce & Kenneth Polse	Safety: For both the Corporation Yard, and Blair Park Projects, the increase in traffic presents a serious challenge to safety, In the past few years, the traffic on Moraga Way has steadily increased so much that often it is difficult for me to make a left turn either onto Estates or Harbord because of the steady flow of traffic, What increased amount of traffic is expected with the proposed new housing? Children biking to and from school is only one of many considerations that need to be carefully considered. From my own experience as a road cyclist, I often bike up Moraga on Saturday and Sunday mornings returning from my bike ride. Even as early as 9:30am on the weekends, there is a steady flow of cars. If additional housing units are added there will be increased bicycle traffic (children and adults). This will be unavoidable and the City needs to clearly plan for how the safety of bikers will be addressed. It is currently not safe. Financial Impact: Several of the proposed projects have fiscal implications. How are these projects to be paid for and who is to assume the burden for the cost? Piedmont has recently begun a major swimming pool/recreation project. This obligation is financed through bonds. Is the City planning to incur more public debt and if so, such debt needs to be vetted with the Piedmont Citizens who will be ultimately responsible? Question: Without passing more assessments or bonds, how will these proposed projects be paid for and by whom?
Email	Joyce & Kenneth Polse	Financial Impact: Several of the proposed projects have fiscal implications. How are these projects to be paid for and who is to assume the burden for the cost? Piedmont has recently begun a major swimming pool/recreation project. This obligation is financed through bonds. Is the City planning to incur more public debt and if so, such debt needs to be vetted with the Piedmont Citizens who will be ultimately responsible? Question: Without passing more assessments or bonds, how will these proposed projects be paid for and by whom?
Email	Joyce & Kenneth Polse	Public Meetings: Something as important as what is being proposed needs to be discussed at several town hall meetings. I know that many residents have expressed concerns. We, the citizens of Piedmont need the opportunity to address the concerns rather than rush though what may turn out to be a serious mistake for our City, I urge you to slow down in what seems to be a rapid push for changes that may change the City of Piedmont for the foreseeable future.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Marj Blackwell	As we know, Piedmont has a shortage of available land for new housing, but the City does NOT have a shortage o existing homes. So I wonder if you would consider some different, perhaps more creative approaches to finding ne housing sites. The link below is to a recent article in the San Francisco Chronicle that describes how a senior homeowner in Mar selling her home to a community trust for a steep discount that allows her to stay in her home as long as she lives. When she dies the trust can develop the property or sell it to a developer to create affordable housing. Why couldn't Piedmont offer a similar kind of program that would provide financial incentives to older homeowners who could stay in their Piedmont homes a few more years with less financial overhead if they agree to sell at a ste discount when they move or die? Perhaps the City could obtain a grant to launch a housing trust that would allow participating homeowners to forego school and/or other local taxes in exchange for reducing the final sale price of homes. https://www.sfchronicle.com/realestate/article/Point-Reyes-home-land-trust-17145987.php
Email	Marj Blackwell	Another idea: Does Piedmont track, or have an inventory, of unoccupied houses in the City? For example, the hou at 637 Moraga Ave. has been unoccupied for 2 years. It was a rental property for many years until the owner pass away. The house has been neglected and appears to be in very poor shape. The property would be an ideal site f duplex or even a fourplex. Can the City approach the homeowner family to see if they would be willing to sell it to a developer? Perhaps there are other unoccupied Piedmont homes in similar circumstances. I would appreciate your letting me know if either of these ideas is feasible and worth pursuing.

Public Comments/ Questions		
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Email	Lara Dickinson	I am reaching out ahead of the May 12 Special Planning Commission Meeting regarding the Housing Element and by copy of John Tulloch, request this sent to city council member emails. I appreciate the challenges City Council faces to balance RHNA with our aims for an inclusive community, for support of our current residents, and for our children to experience an education that centers justice, equity, diversity, dignity and inclusion. And I am concerned with the pace and the current direction of the housing element. I've been on a parallel track. Just weeks before the murder of George Floyd, I co-founded and launched the J.E.D.I Collaborative (Justice Equity, Diversity, Inclusion), an industry wide DEI platform for food and CPG products. I launched this on the heels of launching a highly successful Climate Collaborative which has thousands of food companies engaged. I am passionate about the work because justice, equity, dignity and inclusion are at the center of every issue we face, including the climate crisis. And launching the JEDI Collaborative has taken a toll on our core community. When the BLM movement grew, we reacted to the call from our industry to come up with a lot of answers and solutions quickly. Rushed solutions about complex issues guided in reaction to a vocal few is a recipe for big missteps. The biggest learning I've had is that you cannot force or rush this kind of Equity work without significant harm to the core community as well as the folks we are trying to serve (in this case lower income people of all identities). And rush does not mean to make a decision and then say we have 10 years to implement the decision. Rush means to rush through a proposal that the core community has barely noticed and does not include folks of marginalized backgrounds in the decision making process. I am worried after reading the basics of this proposal. Many "woke " privileged folks get highly activated to "lead" change that is not for them to lead and it does more damage than good. The best advice from DEI experts across the country I have consulted is "Slow Down." Our country is built on the back of slave labor and stolen land...and this kind of reparation does not take years to achieve, it takes decades. It takes decades because to do it right, it needs extreme consideration, education, and checking all egos at the door. While I do not know most of the players, I do not doubt the good intentions of every person at the table. BUT diversity of perspective is the biggest asset we have. That is what informs the best decisions and most successful outcomes. And right now, it seems that a vocal few organized special interest groups are making a lot of demands while we are moving through a rushed process. When only a vocal few are represented...then we are feeding egos rather than making fair, considerate, or informed decisions about the values of the community perspective and interest at large.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Lara Dickinson	Yes...we have a housing element and 587 new homes to identify in a very small area. How much of the community have we heard from beyond a couple of organizations? I realize that the city council has worked hard to elevate this issue, and people are nervous to comment on something they do not fully understand. Particularly when many folks still participate in a call out versus call in culture. This is a time to listen to new voices and give every voice the dignity it deserves...not just a vocal few. There are many options out there. What do people in low income neighborhoods want from a life in Piedmont? Their answers may be different than we assume. What does our community want? What do our teachers want? What is the best experience for our students? Do we want to put up high rises in the center of town or create more integrative opportunities across and throughout Piedmont? I am hearing a lot about the housing element but not a lot about the vision for PIedmont. I'd like to hear that before making a decision on where to put hundreds of new units. Are the schools still going to be the center of our community or are we reimagining our community? I request that we conduct studies and come up with thoughtful paced solutions. I understand that some studies have been done...but we have not truly heard from a broad cross section of Piedmont or of folks outside of Piedmont who need affordable houses.
Email	Alison Kuehner	I am pleased that the City of Piedmont has embraced a plan to create more housing. I participated in one of the Piedmont Housing Element Focus Group interviews in July 2021 and was excited to discuss possible ways to expand affordable, equitable housing opportunities in Piedmont. I recently tried to participate in the Housing Puzzle Map; however, each time I thought about adding housing on the interactive map I was stumped. I did not understand why only certain locations were selected for housing, including some locations that are occupied, such as the Ace Hardware Store on Grand Ave. or church properties. If Piedmont is to create 587 new housing units, I believe the city needs to create housing throughout the community, in all zones, rather than in just one or two areas, primarily in lower Piedmont or on the borders of the city. Moreover, the city should consider allowing duplexes, triplexes, and small multifamily buildings in single-family zones. Around the corner from our house is a duplex that fits in well with the neighborhood. However, lots sizes in lower Piedmont are small and homes are close together, Allowing more multifamily buildings on the larger lots in upper Piedmont would allow for more options. I appreciate the difficulties of finding space in an already built-up community for more housing. But if Piedmont spreads the new housing throughout the community in various forms of living arrangements, not only ADUs, but also duplexes, triplexes, and two homes on a large lot, I believe the goal can be achieved.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Christine Brozowski	In regard to "Establish a transitional home for 6 homeless individuals in a residential neighborhood. Collaborate with a nonprofit affordable housing organization to convert a home or homes to transitional housing for six persons. This would require changing current residential zone restrictions to allow transitional housing throughout the city. (page 74)." As a physician who started her career working at the Berkeley Free Clinic treating the homeless population, I strongly oppose the proposal of bringing 6 homeless persons into a community with no mental health or chemical dependency treatment facilities. Homeless individuals are not simply 'down on their luck.' The overwhelming majority have chemical dependency and/or mental health disease which brings with it unpredictable behavior. This is NOT compatible with a community where young children play unsupervised at parks. Piedmonters who want to help with the homeless crisis should donate funds towards the proposed homeless projects in the City of Berkeley, esp. the upcoming People's Park project. Berkeley has a hospital, mental health hospital, free health clinics and chemical dependency programs; Piedmont has none of the above.
Email	Christine Brozowski	Piedmont already suffers from a reduction in school enrollment. We now must pull in children from Oakland to reach a sufficient school population because families do not choose to move here. Making neighborhoods and parks unsafe for young children will send more families through the tunnel to find safe parks and streets for children to play in.
Email	Christine Brozowski	As a last comment, several of the Planning Commission current proposals are uber liberal and prioritize low income residents over children, reflective of views of a small segment of voters. The United States has become very polarized and it is frustrating to see Piedmont move so far left as to alienate some residents. Two of my neighbors (both long term residents) recently sold their houses to move out-of-the-area specifically because of Piedmont politics. Changing current residential zoning to allow transitional housing must be put on the ballot. This is not a decision that should be changed by a small group of people, esp. those who apparently have no young children at PUSD who play at our limited, valuable parks.
Email	Bob and Barbara Eisenbach	We are Piedmont residents who live on Waldo Avenue and wanted to provide some comments on certain parts of the proposed Housing Element under consideration by the Planning Commission. We would appreciate it if you could circulate these comments to the full Planning Commission members and appropriate staff. We recognize that meeting the State’s housing requirements will mean increasing housing density in Piedmont but believe this increase in density should be focused primarily on Piedmont’s mixed-use areas so that existing Piedmonters’ quality of life will not be significantly diminished. These mixed-use areas, such as the city center near City Hall, Veteran’s Hall, Piedmont Community Church, the arts center, the tennis courts, and the fire and police department buildings, and Grand Avenue, including the synagogue there, could be converted to mixed housing and commercial/religious use. These areas could readily incorporate mid-rise apartment complexes providing many new housing units, all of which would be in walking distance to schools, transportation, and other services.

Public Comments/ Questions		
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		Instead, the draft Housing Element, while mentioning these as options, focuses on a proposal to permit construction of 130 housing units on the Corporation Yard and adjoining sites on Moraga Avenue, as well as potentially allowing even more units to be constructed at Blair Park, also on Moraga Avenue. While these are city-owned and generally undeveloped, they are undeveloped for good reasons, all related to our three main objections to this aspect of the proposal: (1) wildfire risk, (2) traffic and infrastructure issues, and (3) remoteness of the site. We echo comments we have read by our neighbors who live above the Corporation Yard and elsewhere in the Moraga Avenue area. First, as we understand it, this area is in the part of Piedmont already identified to be at the greatest risk of wildfire. As climate change and drought continue to increase — not decrease — wildfire risk, intentionally building housing in an area of heightened wildfire risk makes no sense. Also, given the traffic issue discussed below, it would also endanger all the families who would live in the proposed units plus those already living in surrounding areas. Second, Moraga Avenue is a narrow, two-lane road, divided into single lanes in part. Adding 130 or more housing units and families, who would have to rely on Moraga Avenue for their primary egress and ingress, would make Moraga Avenue a bumper-to-bumper traffic zone throughout the day. This would cause major traffic problems not just for those living in the new housing units, but for us and everyone else in Piedmont who rely on Moraga Avenue to get to Highway 13, Montclair, Pleasant Valley, and other areas. Such a development would seriously and negatively impact the quality of life for residents in the entire central Piedmont area who use Moraga Avenue daily. And as noted above, in the event of a wildfire, it would be nearly impossible for families to evacuate the area due to the inadequate traffic infrastructure of the two-lane Moraga Avenue, creating a risk of loss of life. Third, this area is on the far edge of Piedmont, at considerable distance from the city center, Havens Elementary, PMS, and PHS/MHS, and has no sidewalks or convenient public transportation options. Those factors would work together to isolate the new Piedmont residents we are trying to incorporate into our community, magnify the traffic issues since they would have to drive to get anywhere (including schools), defeat a key goal of the Housing Element, all while creating the major issues raised above. Finally, while there are benefits from increasing Piedmont housing, there are also costs and burdens to increased housing and density. It is only fair to spread both the benefits and burdens across the entire city as a whole, through adding apartment buildings in the existing mixed-use city center and Grand Avenue areas, and by building more ADUs, duplexes, and similar housing units in all areas of the city. The proposal to place most of the new housing units in just one small area of Piedmont without adequate road and other infrastructure and services is contrary to the equitable goals of this process. It should not be the path Piedmont takes. Thank you for your consideration of these important issues.
Email	Bob and Barbara Eisenbach	

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Christine Brozowski	Our family vehemently opposes the proposition below to abolish our limited community parks and replace with housing. Field space is at an absolute premium in Piedmont. As a family of 3 sport-playing children, we are constantly negotiating to get field space/practice time due to the limited capacity of Piedmont fields. Destruction of our valued park space is not family-friendly and will certainly drive families of school age children out. Is it any surprise that Piedmont School enrollment is down when the community does not value parks and recreation for children. Suggestions such as this will send our family, and many other, through the tunnel in search of more family-friendly communities. Rezone the Corporation Yard and areas around Coaches Field to accommodate 130 housing units. Fifty high density units would be built in the Coaches Filed overflow parking lot and 50 units on the slope below the third base line of the field. If this plan is infeasible, develop 200 high density units in Blair Park. (Appendix B-14)
Email	Laura Maestrelli	As I think everyone knows, it's been a very busy spring in Piedmont. My husband and I have two young children in the district, as well as a time-consuming job and care of our elderly parents. We have admittedly not had the bandwidth to focus on the city proposals for zoning and housing changes, but now that I am seeing some of what is being proposed, I have VERY serious concerns. Most importantly, I don't think the community is fully aware of what is being proposed — I think we need more time for Piedmont residents, especially families busy with children and careers in this pandemic, to take time to digest all of this. PLEASE do not rush this decision process. I do believe that we need to expand housing in this town, but some of the current proposals are NOT the way to do it.
Email	Laura Maestrelli	City Hall and Veteran's Hall should not be converted to low-income housing — we need those structures, both literally for the many uses they provide the community, but also symbolically for what they represent as the center of our town and community. I'm also very concerned about the increase in traffic around our largest elementary school and our middle and two high schools in the center of town. There have already been a lot of traffic and safety concerns for students walking to school — this will only make the center of town busier, more hectic and crowded with cars.
Email	Laura Maestrelli	I'm also very concerned about the proposed "transitional home for 6 homeless individuals." Where would this home be located? Are there plans to address the drug use and mental health challenges that are sadly endemic to the homeless community? What is the actual goal of providing housing for only 6 homeless people other than performative liberalism? I do strongly support the goal to "create additional local housing opportunities for persons employed within Piedmont" — both for a reduction in greenhouse gases from long commutes but also so they are more fully a part of our community.
Email	Laura Maestrelli	Coaches' field does in some ways seem like an ideal location for more affordable housing, but again, I worry about significant increased traffic on already busy Moraga. How much is traffic flow being factored in to these plans? The bottom line is that I think we need more time to consider these changes and hear from a larger portion of the community. Please give us the time do so.

Public Comments/ Questions		
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Email	Rita Fabi	Apologies if I am sending this a day late, I hope our comments can still be accounted for in the public comment process. Our main concern with the housing plan is the number of houses (and therefore cars and traffic) that will be part of converting City Hall and Veterans Buildings to Low-Income Housing. Background on our perspective: Our two children attend Havens Elementary. This past year there has been extensive education and discussion amongst Havens staff, teachers and parents in partnership with the Piedmont Police Department (PPD) and other city groups about the dangerous traffic and concerns for child pedestrian safety on Highland Avenue. There are already very serious concerns about pedestrian safety - with so many children walking to school (and being encouraged to do so because it alleviates and already serious traffic issue). The Piedmont Police Dept has shared that speeding and poor driving has dramatically increased on Highland over the last 2 years. The city workers who can have provide the data and insights on the dangerous traffic situation are: PPD Captain Monahan, PPD Officer Petit and Public Works Director Daniel Gonzales who have spoken with the Havens parents community and staff. I don't know the number of units that are being considered for City Hall / Veterans - but I think understanding the current traffic safety challenges is paramount in this process and partnering with PPD to understand this is necessary. I strongly disagree with adding significant housing and therefore traffic in an area where there is a high concentration of child pedestrians in Piedmont (with 4 of the city's school located within in a 2 block radius). This is even more concerning considering the known traffic safety issues and dangers in this area. Thank you for taking into account my public comment,
Email	Eitan Anzenberg	Hi, we recently moved to Piedmont. I agree these changes should be voted on. It’s the least you could ask from people trying to govern their local communities.
Email	Pam Hirtzer	Please extend the review time for the proposed Piedmont Housing Element to the end of this year. This 300+ page proposal, updated April 2022 mandates significant changes to the inclusion of 587 housing elements into the City of Piedmont. The consequences of the policies and programs in the proposal have not had enough exposure with the residents of this community nor have they been fully vetted. Given the limited detail provided in the plan, it is not possible to fully comprehend these consequences. The community review time should be extended to the end of this year - it is not due to the State until 2023. Please organize city meetings that are well advertised (and not just banners on Highland) so that those of us here in Piedmont are part of the process, our concerns heard, further details behind the proposed build-outs are addressed and the impact on the community further addressed - before approving this plan! Sixty days is hardly enough.

Public Comments/ Questions		
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Email	Jan Matsuno	I am responding to the draft housing element that was presented: Requirement that new or expanded homes have ADUs is burdensome. I suggest the use of incentives instead. Please proceed with caution allowing greater density and higher than 3 stories in zones C and D. No highrises in Piedmont! I don't want some stupid tower blocking all the sunlight to my property like Piedmont towers does to several blocks of Linda. To entice people to rent ADUs (to anyone, but especially to low income people), we need TAX BREAKS. The "incentives" listed in 3.1 are not useful. I do not WANT my neighbors to be able to build even a bigger ADU! I just want all of us to have nice small ADUs and not have to pay 1) tons of money to build one, 2) tons more in taxes because now my property value is higher, and on top of THAT, 3) tax on rent I receive. I vote NO on the idea of 3 ADUs on one parcel unless the parcel is exceptionally (Sea View size) large. I think the "Housing Puzzle" game is ridiculous because it does not illustrate the effect of choosing one alternative over another. Also calling it a "puzzle" and presenting it as a game makes it seem unimportant. I did not understand the purpose of the long list of addresses in appendix B…..what is supposed to happen with those? Please be sure to preserve our parks and trees and green space. I know Piedmont is supposed to take their "fair share" of housing but, it seems kind of ridiculous when there is so much vacant and seemingly abandoned property all around a Piedmont. Can't we "make a deal" with Oakland (or property owners in Oakland)? Why can't there be a HUGE complex at 51st and Broadway? Are they really considering it as a Home Depot when there is another Home Depot just a few miles away? You could probably fit Piedmont's entire "quota" onto that property. I don't want Piedmont to become like Manhattan and I don't understand why we should be forced into that. And lastly, I am begging for the city, state, EBMUD, PG&E, anybody (!) to provide me some incentive to get rid of my swimming pool. It is a waste of space, water, and electricity, but still very expensive to demolish. We will even build an ADU in its place, but need some financial help. I digressed, but there you have it. Thanks,
Email	Tyler Kobick and Charlie Boyd	Attachment 1. We're an architecture, construction, and development firm in Oakland with a number of ADUs in our portfolio and we're very interested in the work you're doing integrating them into Piedmont's housing element and incentivizing their construction. We've designed and built ADUs all over the East Bay and believe they are an underutilized tool for making housing more affordable for working families. With funding from the AIA's housing initiative, we've previously developed Co-ADU, a coop¬erative model for producing batches of similar ADUs simultaneously within neighborhoods to create economies of scale in design, permitting and construction. We believe this approach could be the solution to Piedmont's teacher shortage, which is largely driven by housing costs. Including teachers in your incentives programs and/or developing additional incentives for teacher housing would encourage homeowners to add affordable units and enable Piedmont teachers to live in the communities they teach. We would like to work together to take advantage of your ADU incentives in a batch of 6-12 ADUs for teachers as a pilot project. We'd use your pre-approved plans or work with you to develop new ADU plan(s) to satisfy local ADU-cu¬rious homeowners. We'd appreciate any help you can provide in streamlining the process and navigat¬ing your incentive requirements.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Andrea Ruiz-Esquide	I'd like to submit the following opinion article I wrote in The Exedra, including the comments in response to the article, into the record as public comment on tonight's Housing Element update agenda item. Letter to the Editor | More housing for everyone, everywhere By Andrea Ruiz-Esquide | May 10, 2022 The City of Piedmont recently released its draft Housing Element –- a state-required plan for how to enable 587 units of housing in the next eight years, the City's "fair share" of housing growth in the San Francisco Bay Area. I applaud the City's efforts. Besides being a way for the City to fulfill its legal and moral obligation to help address the regional housing crisis, planning for more housing — and especially more affordable housing — can help Piedmont become a more diverse, equitable, culturally rich, and inclusive community. The City's draft has many important proposals, and, depending on one's opinion, there may be room for improvement. To avoid confusion, it is good to start by emphasizing some basic facts about the Housing Element: First, it is not unique to Piedmont. State law requires every city in California to produce a Housing Element, and the state gives each city a target number to plan for (in this case, 587 units). Second, the plan does not authorize the construction of any new housing: it is just a high-level planning document for how to change current zoning and create programs to incentivize more housing construction. Third, it is not a finished product: per state law, this is an iterative process with several rounds of public and state review and comment, including the preparation of an Environmental Impact Report under the California Environmental Quality Act (CEQA). Community input is essential. We urge the City to create ample opportunities for robust community dialogue about the plan before its adoption. The City's draft plan incorporates several excellent ideas for incentivizing housing production. For example, it encourages homeowners to build backyard cottages or ADUs; it proposes increasing the allowable density on commercial sites along Grand Avenue and in the center of town to enable housing production on those sites; and it explores the viability of building affordable housing on several publicly owned parcels. As a Piedmont resident and a member of the Piedmont Racial Equity Campaign (PREC) Housing Committee, I strongly support all of these ideas, and I generally think the City has produced a solid draft plan.

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Email	By Andrea Ruiz-Esquide	However, the City's Housing Element could be further improved in several ways that would enable the more equitable and expeditious production of more housing, for everyone, everywhere. Suggestions to accommodate more homes First, the City should create policies to enable affordable housing throughout Piedmont, in all the zones, rather than planning for it in just one or two areas. The draft Housing Element designates just a few sites — either under public or religious institution ownership, and mostly on the edges of the City — as suitable for affordable housing. And, it only proposes detailed planning, in the form of a specific plan, for one area — the Corporation Yard. Given that the opportunities for affordable housing are so limited and the financing is complex, the City should make a greater effort to integrate affordable housing into the residential, mixed use / commercial zones, too.
Email	Andrea Ruiz-Esquide	Second, to achieve the goal of distributing more housing everywhere, the City should amend the zoning for Zones A and E (the Single Family and Estate zones) to allow duplexes, triplexes, and small multifamily buildings on larger lots. While the state has recently adopted laws that facilitate construction of ADUs, duplexes and lot splits, Piedmont would be well served by adopting amendments that augment and tailor these laws to be more effective in our local context. These types of housing already exist in the middle of Piedmont's single-family zones and fit in well (see photo). The City should allow more of them to be built.
Email	Andrea Ruiz-Esquide	Lastly, the City should move forward more intentionally with building affordable housing on publicly owned land by expanding the number of Zone B (Public Facilities) sites under consideration and doing feasibility studies of all these sites. Building on public land is the City's most realistic path to creating real affordable housing and we should make sure the Housing Element will enable thoughtful and sustainable change in our community. To be clear: I and the other members of PREC Housing believe that the above strategies must be part of an "all of the above strategy" — not "either/or." Very little of the new housing in the single-family or commercial zones is likely to yield genuinely affordable housing, given the high cost of land and construction in Piedmont. That's why we must simultaneously actively pursue all opportunities for building on publicly owned land. Incorporating the above principles and strategies into the Housing Element plan will result in a more equitable and proactive policy document, helping make sure that we create a viable and prudent plan that will bring us one step closer to the inclusive, diverse, and equitable community that many of us envision. I invite anyone who is interested in learning more about these ideas to contact the PREC Housing Committee at piedmontracialequity@gmail.com or go to www.piedmontracialequity.com. To review the City's Housing Element and other related documents, visit https://www.piedmontishome.org. Lastly, please consider supporting more housing, for everyone, everywhere, by participating in the Planning Commission hearing this Thursday, May 12 at 5:30 p.m.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Ben Mand	I understand there's been a good amount of work done on where to place low-income housing in Piedmont. A formidable task, no doubt. I'm writing to express some concern about the preparedness of making such decisions. Based on the few conversations I've had and little awareness/knowledge in the community, I feel most people are not ready/equipped to make an informed decision. From what I've reviewed, I feel like I understand the location options, but it's unclear to me the overarching strategy/goals for our community. And, for the families/individuals we're addressing, how do these options fit their needs? Is there an option to dig deeper and ensure we're aligned on strategy and addressing the needs of our new community members? If I'm forced to decide now, I feel Grand Ave is likely the first place to add housing given its proximity to broader public transportation and area businesses. It is also more conducive to multi-unit housing with parking. Similar point of view for the (smaller) options along Park Ave. The second major area I'd develop is along Moraga. We could add not only housing, but a park with soccer field (also desperately needed). The issue with this location is that I feel we'd need a better public transportation in this area. Finally, I strongly believe we should NOT add housing in the center of town. If anything, I think it can be developed to have a bit more retail – café/restaurant/etc instead of 3(!) banks.
Email	Emily Keyishian	In response to finding a great spot to open up housing in Piedmont, which I do support. I don't think the proposed sites work nor are they practical, especially looking at the areas near Coaches' Field. What I would like to propose is to look at the rezoning laws in Piedmont. There are incredible opportunities to change some of the single family homes on large plots to multi-family dwellings. Some of these homes are large enough already to be converted to 2-3 family houses. We need to revisit the zoning code to facilitate this growth. The impact to the neighborhood would be positive and would bring more opportunities for all families. Piedmont schools are the biggest draw and having more families would keep the schools strong while creating a diverse, inclusive student body.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Rebecca Heywood	Hello, I have some comments regarding the Draft housing element. If we must add more housing, then we must. I also have some confusion, and I hope that these comments are useful. I hope that there is more clarity in the efforts of the housing element team to find suitable sites in the upcoming revisions. The chart on Table B-6 lists a mere four sites, two of which are less than one acre in size and hardly worth pursuing due to low unit yield. One rather obvious large site that is missing from the chart is Reservoir Number Two, which could perhaps have direct egress to Moraga via the residence at 970 Moraga. Were no other lots identified? I will go through the four sites with my comments, below. I do have confusion because the sites listed on the website https://www.piedmontcivic.org/2022/05/02/opinion-extend-public-comment-on-housing-element-through-november/ do not align with those listed in Table B-6. Site 1 – Looks like the best location. I do like that the field will remain, as it is frequently used, including by my family for baseball, Christmas trees, and pumpkins. I have no feelings about the skate park. The yard could be consolidated, or, I believe, there is a large amount of lightly used space between the Middle School and Football stadium. I believe this is PSUD's yard, and perhaps the two yards could be combined, or 'Bern Field' could be given to the City.
Email	Rebecca Heywood	I would encourage going as vertical as possible in the canyon to maximize number of units. In Blair Park, to increase the site size, I would encourage thought be given to building a podium above Moraga Ave (eg Boston big dig). While apartments above the busy street might not be desirable, a parking garage or a park could be placed there (eg SF Transbay terminal, Highline NYC). The result would be a sort of "Texas-donut" type construction with apartments over Blair Park and parking above Moraga Ave.
Email	Rebecca Heywood	Site 2 – No, thank you. If Piedmont Station Townhouses were 7 units on .35 acres (I believe 2 story), then the .83 acre City Hall site would yield a mere 16.6 units. The 40 proposed units in Table B-6, would result in a five-story building. Are you proposing a five-story building? This is too tall to fit in with the surrounding residential vernacular. 40-units would add significant traffic to 'downtown', which is already quite busy, and the police are called regularly to help get the Havens children to school safely. Besides being too tall and too dense, the lack of City planning is torture. If apartments are to be located downtown, the site should be inclusive of City Hall, Veterans Hall, the Police Station, the Piedmont Center for the Arts, the new pool complex, Corey Reich Tennis, and the Recreation building. This combined site, in addition to maybe the air space over (or closure of) Bonita or Magnolia would be enough space to be worthwhile. I have heard rumors that a number of these buildings are slated to be rebuilt. Combining all these lots into one master project would make more sense. Hearing that the housing element and pool project are moving in parallel without any apparent coordination is frustrating. I am not experienced but relocating a fire station and a police station seems tricky (e.g. the giant antennae on top of City Hall and the large emergency generators on Magnolia). If you can get the State of California to pay for relocation, that's a boon. The pool complex should include flex spaces for temporary relocation of various services that will lose operational space when their structure is rebuilt. Lastly, City Hall is architecturally beautiful, and I hope it will be preserved rather than torn down.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Rebecca Heywood	Site 3 – Fine. My children attend TRIS, who I believe leases Zion Church, but I think this is another great site. Was Corpus Christi approached? Site 4 – No. For the same reasons at Site 2. Five-story building. Not coordinated with pool project or any other downtown project. And why demolish the beautiful tennis courts that were just re-done and frequently used. I would rather the Oakland Davie Tennis Stadium (located within Piedmont according to my reading of the map) be the demolished tennis courts.
Email	Terry Kramer	Message: Dear Piedmont, we recently saw the draft plan for affordable housing in Piedmont. We believe that affordable housing is a challenge for Piedmont, the Bay Area and the state of California. As we saw the plan, we were wondering what criteria are being used to identified the best sites. For example we saw potential sites on Glen Alpine and Indian Gulch. Have the issues regarding traffic/safety been considered appropriately? There was more than one blind corner with many young children on our street. It would be helpful to better understand what considerations have been made regarding the safety issues which are important to all residents whether in affordable housing or not. Also it would be helpful to understand the criteria under which a lot can be subdivided – – would this require neighborhood approval to avoid speculators from entering the market and creating what would be a community that wouldn't be safe or comfortable for any resident – – whether in affordable housing or otherwise. Thanks very much for your concern and focus around affordable housing as well as the safety in our community.
Email	Mike Henn	Attachment 2. Please forward to PC. This article partially explains how California's population is declining while housing costs rise or at least remain high. The available inventory of housing for sale is very low because people have unusually long tenure, or to put it simply, they don't move as often. This factor is generally unrecognized.

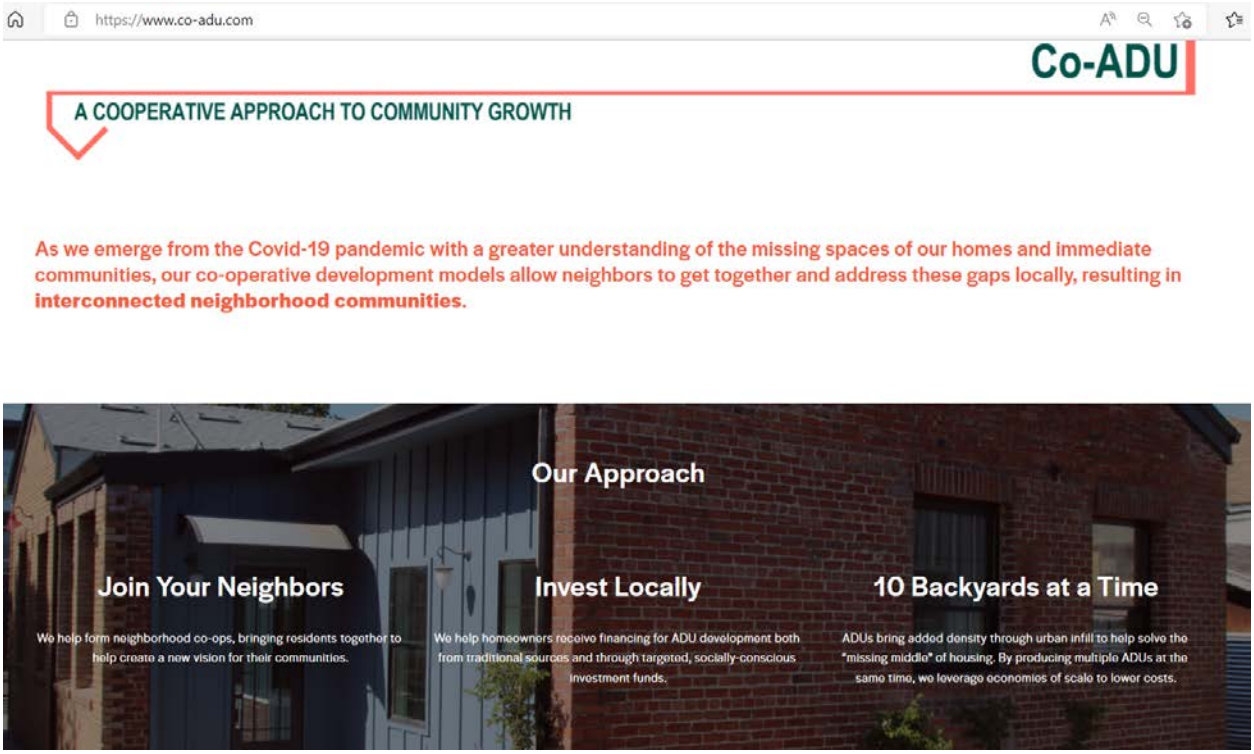
Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Catherine Rongey	Thank you for the opportunity to respond. I am a physician with over five years of homeless health experience both directly in clinical care and in research. I worked primarily within downtown Los Angeles and the Veterans Health Administration. Within the context of this experience, I am writing regarding the considerations that must be undertaken to responsibly provide housing for the homeless as proposed in the Housing Element. The homeless are a diverse population. They are as diverse as any metropolitan city. They are a mix of persons with varying educational backgrounds, trauma histories, addiction, mental health and medical disorders. They are so diverse that even shelter or single rent occupancy housing has not proved to be a reliable way to transition one out of homelessness. It is hard for many to comprehend but providing housing does not end homelessness due to their diversity of needs. The diversity of needs within the homeless population is what will guide the services provided. The below list is following considerations that should be undertaken when considering housing for homeless or unstably housed persons. This list is not complete but a glimpse of what is needed if one were to responsibly provide homeless and transitional housing: -Some are struggling with concomitant mental health and addiction disorders and are not able to care for themselves regardless of housing. They need active case management, addiction and mental health treatment. For many, unfortunately, there is no good mental health therapy due to the nature of their disorders. Additionally, as they are adults, they cannot be forced to engage in therapy and, as such, need active management to limit harm to self and others. -There are those with the above disorders who have children. These children find themselves rotating through shelters and foster services. These children experience significant trauma wrought by instability and need care themselves. -There are those with profound medical disorders that are beyond cure and need in-home health services, transport to regular medical appointments and social work to create a web of care so they don't slip through. -There are the 'unstably' housed who can be elderly, working poor and undocumented persons who need adult protective services, legal representation and social workers to guide them through the labyrinth of legal and medical services. There is also a public health consideration, as the pandemic has also taught us. I was exposed to tuberculosis while working as a physician in a homeless health clinic. It occurred during the Los Angeles tuberculosis outbreak. Placing persons within close and enclosed proximity with diminished consideration for ventilation, space, toileting and sanitation fueled the spread of an already highly infectious organism. Persons who chose to not use the shelters were less likely to be affected. In this instance, remaining unhoused offered greater protection. Frankly, all of us who worked in homeless healthcare had a positive tuberculin skin test after several months of working. There is no cure and I now must contend with the possibility of this sneaky bacterium re-awakening should I need chemotherapy or other immunosuppressive therapy. In summary, simply providing housing is a very reductionist view of the diverse needs of our homeless and unstably housed population and will ultimately fail to provide the needed care and support. You have my permission to more widely share, should it be needed.
Email	Paulette Traverso	As a long time resident of Piedmont with a home bordering Moraga Canyon, I'd like to weigh in on a number of issues that are of concern regarding development in Moraga Canyon either at Red Rock Road or in Blair Park. As with the attempt to develop a soccer field in Blair Park, there are so many issues that are negatives.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Paulette Traverso	* there is a comment in the document that there are no traffic issues in Piedmont. As a resident on this road, I beg to differ. If you are coming up from Pleasant Valley any time near morning or afternoon commute, you are in for a long wait. If you are attempting to exit a road off of Moraga at those times, it can be several minutes before egress or re-entry can be made. If you attempt to go into Montclair, the left turn signal off of 13 is backed up so far that you have to go past Thornhill and past the park, into Montclair in order to circle back. I'm fortunate to be able to adjust my schedule accordingly, but that is not typical. * I was here during the 1991 fire. Evacuation was disturbing to say the least. At one point I was in a completely stopped traffic jam and no one knew what was happening. Adding 200 hundred plus more cars would not be the best idea. In fact, it's not even clear if 111 or 211 units will be built. How many people are we talking about? 300/500? That translates into the addition of many many cars on a fast 2 lane road. * this section of Moraga Avenue is NOT pedestrian friendly. There is NO sidewalk and NO crosswalk for access to Blair Park. Adding a crosswalk and or light or stop sign would exacerbate the traffic, which as I have pointed out above, is already an issue at commute times. * there is sidewalk access at Red Rock Road, however, the same issue as above: adding a huge number of cars to an already dangerous and congested road, no easy public transportation access, etc.

Public Comments/ Questions		
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Email	Paulette Traverso	are you planning on having adult only housing? Because if I had a child, they would never be allowed to go near a street that people frequently drive in excess of the speed limit. I presume there will be families. How are the children supposed to walk to school? Or even to a friend's house or leave the complex? Again, having a crosswalk/light/stop sign will be a huge impediment to the traffic flow. * it is the last open space in Piedmont. It's a beautiful open space filled with native Oaks. A huge effort was put forth to preserve the space from development for many viable reasons. I'm not clear why this is now targeted as a good location because it's only one of two available? * Blair Park is narrow and would require an enormous amount of excavation. How will that impact the houses on the ridge (mine isn't one of them). It seems like an unnecessary engineering project near a prominent earthquake fault line. * low income units: how is it helpful to people who are "low income" and potentially with only one vehicle or even none, to be living where there is no good sidewalk access, no close public transit and easy access to daily needs? Dependency on cars is part and parcel of development in both of these locations. Seems contradictory to what is trying to be achieved. * proposed development of 111 low & moderate income housing units in the Corp. Yard. (Red Rock Road) and/or 211 low-income units in Blair Park, which is listed as an "alternate site" to the Corp. Yard. Either of these plans would put nearly 1/2 the City's required low-income housing on Moraga Ave. Why is the development not spread out in smaller parcels over the whole city? Are there truly not enough creative minds to have a more tenable solution to this issue? I read that these are determined as the best options but cannot agree.
Email	Marj Blackwell	Attachment 3.
Email	Maxwell Davis	Attachment 4. Summary: The City does not have a large enough buffer on the number of sites, given low historical rates of development, particularly on Low and Very Low Income sites. Piedmont should both speed up the implementation of SB 9 in the zoning code and go further by expanding SB9 to allow the development of 6 units per lot. Many of the sites appear to be city-owned, but the city has not provided enough detail on those sites.The Draft Sites Inventory includes numerous sites that are unlikely to be developed because they are in-use as pools, driveways, etc by adjacent properties.The Draft Sites Inventory contains a large portion of the city's schools, churches, banks, and civic buildings without providing strong evidence that these property owners are willing to sell or develop these properties.

Public Comments/ Questions		
Method of Communication (Email, phone call, etc.)	**Commentor**	**Comment/ Question**
Email	Rick Schiller	Piedmont's draft Housing Element, as stated by the City's Housing consultant, specifically excludes reducing the RHNA requirement by the potential of SB9 implementation. This is directly contrary to the March 2022 HCD guideline. (See Attached at p6 HOUSING ELEMENT LAW attached). HCD states the conditions needed for SB9 projections which will lead to partial satisfaction of Piedmont's RHNA. The four requirements are site specific inventory, undeveloped site analysis, identify government restrain and show policies that establish zoning standards early in the process. Doing this work with accepted projections can meaningfully aid in satisfying the RHNA and commensurately retain Piedmont Design Review. Why are SB9 projections, as indicated and outlined by HCD, not included in the HE Draft?
email	Christina Maybaum	Dear City Council, I attended to full 2 hours of last nights zoom meeting addressing the proposed public housing element in Piedmont. I thought this was a forum for community questions and concerns to be addressed. Unfortunately none of my questions were answered or comments addressed in this meeting. Some of the questions I had were the following. 1. How may stories high will the Veterans Hall, City Hall and Piedmont Arts Center potentially become? 2. Have we considered the parking implications for these new housing units? Will a parking garage also be built? 3. Will the 7 large redwood trees around the Veterans hall be preserved? 4. Have we seriously considered alternative sites on Grand Avenue that will have less impact on our already dense part of town (city center). 5. Has there been an assessment of how this development will impact traffic safety and congestion in the city center? My concern, and that of many other families I have spoken to, is that the community concerns are not being heard and not seriously considered in the plans that have been put forth. I already observed developers at the Veterans hall today. It seems this plan is already moving forward without real community feedback.
Email	Randall Booker	Attachment 5. Summary: I support the Draft 6th Cycle PHE because it provides a toolbox of solutions that the City will sue to work with private property owners, the development community and the State of California, to improve housing affordability for School District staff, Piedmont residents and the broader communtiy.

ATTACHMENT 1



ATTACHMENT 2

Homeowners Staying in Homes Longer in Current Market, Redfin Finds

By **Michael Bates** - March 2, 2022

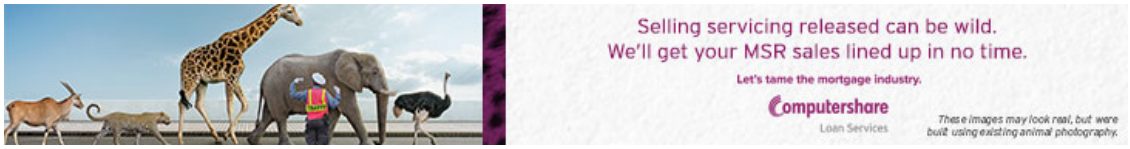


The typical American homeowner in 2021 had spent 13.2 years in their home, according to a new report from Redfin. That's down slightly from the peak of 13.5 years in 2020 but up significantly from 10.1 years in 2012.

Homeowner tenure flattened last year partly because so many Americans moved during the pandemic, with record-low mortgage rates encouraging homebuyers to dive into the market. Additionally, pandemic-fueled remote work led to a record share of Americans relocating, often to more affordable areas.

But overall, Americans are still living in their homes longer than before because of older homeowners aging in place, a shortage of homes for sale and relatively low monthly payments. Many Americans have refinanced their homes over the last decade to get a

favorable mortgage rate. Some homeowners who refinanced would have locked in last year's historically low rates, disincentivizing them from moving, which could lead to tenure increasing in the next few years. Rising rents could be another factor, as some homeowners may choose to rent out their homes rather than sell.



"Homeowner tenure may have already peaked, or the decline in 2021 could be a blip before it climbs back up," observes Daryl Fairweather, Redfin's chief economist. "There are competing forces at work. Remote work is encouraging homeowners to sell their homes in expensive cities and move to more affordable areas, which could pull tenure down. But on the flip side, rising mortgage rates may discourage people from selling and older Americans are staying put longer, which could push it back up."

The supply shortage is one reason why homeowners stay put, and the reverse is also true. Long homeowner tenure is one factor in the ongoing housing-supply shortage and the ultra-competitive market, with the number of homes for sale down nearly 50% from before the pandemic.

"The migration trend is encouraging for supply because more people moving typically means more people selling their homes," Fairweather adds. "Adding supply will help the housing market keep up with demand and start relieving buyers from heated competition and rapidly rising prices."

Redfin data shows that older Americans are now making up a larger share of the population than they were a decade ago. One-third (33%) of U.S. household heads were at least 65 years old in 2019, up from 28% in 2012. The share of Americans who are 65 and older is expected to increase substantially in the next few decades. The fact that Americans are aging, combined with older homeowners staying put, is a factor in rising homeowner tenure.

The typical Los Angeles homeowner had spent 18 years in their home as of 2021, the longest tenure of the metros in this analysis. It's followed by Honolulu and Oxnard, Calif., both with median tenures of 17 years. The typical amount of time homeowners held onto their homes in each of those metros increased by roughly four years in the last decade.

Homeowners tend to stay in their homes for a particularly long time in California – the median tenure is also longer than the national average in Anaheim, the Bay Area, Bakersfield, Fresno, Riverside and San Diego – because of the state's unique property tax laws. California's Proposition 13 incentivizes homeowners to hang onto their homes because it limits property-tax increases.

Homeowner tenure rose by about five years in three Midwestern metros – St. Louis, Detroit and Chicago – the biggest increases of all the metros in this analysis. The typical amount of

time people own a home increased over the last decade in 59 of the 74 U.S. metros included in Redfin's analysis.

Supply shortages are a problem for homebuyers in most U.S. metros, and they're exacerbated by increasing homeownership tenure. The number of homes for sale in both Los Angeles and Oxnard, for instance, fell by about 30% year over year in December, versus about 19% nationwide.

Homeowner tenure declined over the last decade in 15 metros, several of which are popular migration destinations. Median tenure declined by about one year in Atlanta, Las Vegas, Phoenix and Tampa, FL, all places that attract a lot of new residents.

Read the full report here.

Image: Photo by Birgit Loit on Unsplash

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ATTACHMENT 3

May 30, 2022

Dear City Council Members,

I understand the immense task you and City staff face in deciding where and how to add 587 housing units in Piedmont. It's a daunting challenge that will shape the future of Piedmont.

I agree with and support parts of the draft housing element, but I seriously question the proposal to put half or more of Piedmont's low-income housing in one part of the city, Moraga Canyon. While it may be possible to condense part of the Corporation Yard to provide space for some housing, 100 units seems far too many. Further, the proposed "alternative" to the Corporation Yard -- building 200 units of low-income housing in Blair Park, in my opinion, is totally infeasible.

Consider the logistics:

• Blair Park is accessible only by car. It is unsafe and dangerous for pedestrians to cross heavily trafficked Moraga Ave. Traffic studies have shown there are insufficient sight-lines to install traffic signals. The Safer Streets Plan you adopted just six months ago states, "The Moraga Avenue/Red Rock Road location has been removed from the 2014 list (i.e., of pedestrian safety improvements) because of feasibility issues in providing adequate pedestrian access in Blair Park…" How would residents, especially children, in Blair Park cross Moraga Ave.?

• Blair Park is about as far removed from the center of Piedmont as you can get. The idea of putting low-income housing on the outskirts of the city frankly smacks of ghettoizing, and I believe will be perceived as such by the HCD, whose goal is to integrate low-income housing into the community.

• Taking a city park for housing sets a very risky precedent. If you build in Blair Park, what about other parks – Crocker or Dracena, for example, which are far more pedestrian friendly, surrounded by lovely homes and closer to the center of town?

• Building in Blair Park would counter Piedmont's Climate Action Plan. In addition to destroying a wildlife corridor that is home to many bird species, it would wipe out the carbon sequestration of a thriving Oak woodland. The park is also the site of a Piedmont Heritage Tree and the only public open space on this side of town. With minor City funding, it could be vastly improved for more park users.

There are better options than building in Moraga Canyon, including:

• Creating a "housing trust," similar to that in Marin County, where residents get a break on local taxes in return for agreeing to sell their homes at a reduced price. This would incentivize housing developers to purchase large-lot properties and develop townhouses or small apartments.

• Calculate the potential for lot splits permitted under SB9 and the addition of many more ADUs. I believe there is an existing inventory of used and unused second units in Piedmont that is not being counted toward our RHNA. I, for one, have recently

rehabbed and transformed our legal second unit — formerly used as my husband Bill's art workshop —into a studio apartment that I now rent for a very low $600 a mo. to a preschool teacher. Alas, City Planning told me it cannot be included in the new housing cycle because the unit was created in 1990. What a shame.

• Encourage and provide incentives for businesses in the heart of Piedmont, i.e. banks and real estate offices, to permit construction of two or three levels of housing above their structures. Also, with more and more electric vehicles in Piedmont, how much longer will we need a gas station?

Regardless of State mandates, Piedmont is certain to change in coming years, as current estate and other large property owners move on, and developers step in to build denser housing. I urge you to consider very carefully the decisions you make today and do not take the draconian step of cramming housing into an unsuitable place and destroying a park.

Thank you for your consideration and for your dedication to Piedmont.

Sincerely,
Marj Blackwell

."

June 2nd, 2022

Piedmontishome@piedmont.ca.gov
City Of Piedmont
120 Vista Ave,
Piedmont, CA
94611

RE: Draft Housing Element

To Whom It May Concern,

East Bay for Everyone is a membership organization advocating for housing, transit, tenant rights, and long-term planning in the East Bay. We and the undersigned organizations write to provide comments on the City of Piedmont's 6th Cycle Housing Element Public Review Draft.

Summary of feedback:

- The City does not have a large enough buffer on the number of sites, given low historical rates of development, particularly on Low and Very Low Income sites.
- Piedmont should both speed up the implementation of SB 9 in the zoning code and go further by expanding SB9 to allow the development of 6 units per lot.
- Many of the sites appear to be city-owned, but the city has not provided enough detail on those sites.
- The Draft Sites Inventory includes numerous sites that are unlikely to be developed because they are in-use as pools, driveways, etc by adjacent properties.
- The Draft Sites Inventory contains a large portion of the city's schools, churches, banks, and civic buildings without providing strong evidence that these property owners are willing to sell or develop these properties.

Buffer on sites:

The city has identified 517 sites for new development, 1 in development, and 120 ADUs, totalling 658 units. This is only a 12% buffer on the RHNA of 587 units. The buffer on Low and Very Low Income sites is only 3 units.

From HCD's Housing Element Sites Inventory Guidebook "it is recommended the jurisdiction create a buffer in the housing element inventory of **at least** 15 to 30 percent more capacity than required"(emphasis added).

Given Piedmont's low historical rates of development the city should be adding a buffer of **at least 30 percent, and even more in the Low and Very Low income categories.**

SB9 implementation, and Missing Middle upzoning:

The Draft Housing Element states that the city plans to "Amend the Zoning Ordinance to encourage large lots splits under SB 9 **by early 2027**"(emphasis added). Piedmont's primary method of building new Moderate and Above-Moderate Income housing may well be lot splits and duplexes on existing lots, which makes this an unreasonable time frame. **The City should go further than SB9 requires and** allow for building Missing Middle housing in Zones A and E, such as fourplexes, sixplexes, Cottage Courts, Townhouses, and similar building styles.

We believe that allowing the construction of fourplexes and sixplexes will increase the likelihood of development on each site, and lower the price per square foot of the new homes, which will make them available to a wider range of people. Adding more units per lot will increase the amount of tax revenue and impact fees the city collects, which will make it easier to construct subsidized affordable housing on other sites in the inventory.

The city should allow the development of 6 units per lot in Zones A and E to. This would allow conversions of large homes and houses on large lots into small multifamily buildings that fit in with the existing neighborhood.

Many fourplexes and sixplexes in Alameda County are smaller than the average home that has been sold in Piedmont in the last few years. For example, 125 Hillside Ave is 4,600 square feet, for a single family, and sold for $5.6 million. We do not understand why it should be legal to build homes this large for a single family, but not legal to build a similarly sized structure with four, much more affordable, 1,000 square foot apartments.

City Owned Sites:

Per Government Code section 65583.2(b)(3), if a site included in the inventory is owned by the city or county, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act.

Review of Site Inventory:

Most of these sites are already in active use by the adjacent properties as pools, driveways, etc. **Sites on steep hillsides and in use by the adjacent property should be removed** unless the current owner has explicitly stated they plan to develop the lot or sell to a developer.

Under HCD Guidelines, these sites are considered non-vacant as they have a significant improvement. Therefore, the element must include a description of the current use (in Piedmont's case, often a pool, driveway, garage, etc) and the likelihood of redevelopment, or remove the sites from the inventory.

The draft element proposes, **without substantial evidence,** that most of the city's schools, churches, banks, and civic buildings will be turned into housing in the next 8 years. HCD guidelines require the City to show that such existing uses are in fact likely to be discontinued, such as a letter from the current owner stating is willing to sell to a developer or develop the site themselves into housing**.** The Draft Housing Element makes no attempt to describe the leasing situation of the sites nor does it consider only partial redevelopment of the sites into housing.

A few sites do appear suitable for development because they are not currently developed, have street access, and are not in use by adjacent properties. These should have their zoning changed or to allow development of "missing middle" housing types (cottage courts, townhouses, etc) which are naturally more affordable. These include (but not limited to) the following sites:

- 051 472802000 5 HAMPTON RD
- 051 472802100 5 HAMPTON RD
- 051 482003300 PARK BLVD
- 051 482003500 PARK BLVD
- 051 482003700 PARK BLVD
- 051 469301000 780 HIGHLAND AVE
- 050 092800400 770 KINGSTON AVE
- 050 092801301 KINGSTON AVE
- 050 455001500 HOWARD AVE
- 050 455104100 NACE AVE

The City should also consider adding Blair Park to the Site Inventory for Low Income housing.

Site Specific Feedback:

We offer the following site specific feedback:

Sites used as driveways, garages, and pools with that **should be removed from the inventory**:

- 050 086000400 1069 WINSOR AVE garage for the adjacent property
- 050 457903300 1 Maxwelton Road backyard/pool for the adjacent property

- 051 481900100 490 HAMPTON RD pool for the adjacent property
- 051 472800104 26 SEA VIEW AVE tennis court for an adjacent property
- 051 472800401 26 SEA VIEW AVE pool and yard for an adjacent property
- 051 480201300 17 GLEN ALPINE RD pool for adjacent property
- 051 480201600 INDIAN GULCH RD Driveway/ access for another property
- 051 480300101 70 SOTELO AVE private driveway and tennis court for an adjacent property
- 051 481201700 SANDRINGHAM RD This site has a large transmission tower taking up a large portion of the site. Piedmont provided no indication that PG&E plans to discontinue use of the tower or sell the lot
- 051 469301300 HIGHLAND AVE This is a park that serves as almost a "median" between a row of houses and the road, it is only 30-45 feet wide along its lengths, and given FAR, setback, and parking requirements it would be all but impossible to develop into 5 units of housing. It should be removed.
- 051 472800503 GLEN ALPINE RD No street access, being used as a part of a driveway/garage for adjacent buildings

Sites on very steep hillsides that **should be removed** from the inventory:

- 050 457100101 MORAGA AVE at Pala very steep hillsides
- 050 457902001 MORAGA AVE owned by 261 Scenic Very very steep hillsides
- 050 457904300 14 NELLIE AVE Very steep hillsides
- 050 457905601 1 ABBOTT WAY Very steep hillsides
- 051 481902000 440 HAMPTON RD Steep hillside

Sites with other uses that seem unlikely to be developed without substantial supporting evidence:

- 051 482001118 5201 PARK BLVD Zion Lutheran Church and the Renaissance International School
- 050 462500103 120 VISTA AVE Piedmont City Hall, Piedmont Police Detectives. No indication or evidence in the Housing Element that Piedmont has a plan to replace its City Hall.
- 050 462600100 VISTA AVE Piedmont Community Tennis Courts
- 356, 333, 345 Highland Ave Wells Fargo and adjacent building
- 050 462401000 333 HIGHLAND AVE Mulberry's Market
- 050 462401200 345 HIGHLAND AVE Bank of America
- 051 463603500 1300 GRAND AVE Kehilla Community Synagogue
- 051 481201110 4925 PARK BLVD Corpus Christi School
- 050 462500301 801 MAGNOLIA AVE Piedmont Center for the Arts
- 050 462300400 400 HIGHLAND AVE Piedmont Community Church and Piedmont Language School
- 050 455701501 1221 GRAND AVE Ace Hardware

- 051 463603500 1300 GRAND AVE Kehilla Community Synagogue
- 050 092700403 OLIVE AVE Plymouth Jazz & Justice Church
- 050 092700500 OLIVE AVE Plymouth Jazz & Justice Church
- 050 092700600 OLIVE AVE Plymouth Jazz & Justice Church
- 050 092700700 OLIVE AVE Plymouth Jazz & Justice Church
- 050 092701300 OAKLAND AVE Plymouth Jazz & Justice Church

Additional Feedback on the Draft Housing Element:

Infill housing for Environmental Benefits

By building more homes in already established urban areas, Piedmont can avoid paving over trees and habitats that serve as heat sinks and carbon banks, all of which provide high-value climate benefits. It is critical to support growth in safe infill locations and streamline the permitting process when appropriate, while still allowing for a public process, requiring environmental review, and rewarding jurisdictions that meet housing goals. To support this, please refer to Greenbelt Alliance's Resilience Playbook.

Appendix B: Housing Capacity Analysis and Methodology:

B.2.3 Density and Capacity Assumptions

The draft element mentions that the city "conducted site feasibility analyses in the Spring and Summer of 2021." This analysis is not published within the draft and does not seem to be posted on the project website. It should be directly referenced or included.

B.2.5 Suitability of Nonvacant Sites

HCD Guidelines instruct the jurisdictions to account for realistic development capacity using factors such as "Local or regional track records, … based on the rate at which similar parcels were developed during the previous planning period, with Site adjustments as appropriate to reflect new market conditions or changes in the regulatory environment. ", or "If no information about the rate of development of similar parcels is available, report the proportion of parcels in the previous housing element's site inventory that were developed during the previous planning period."

While "the intensification of underutilized properties" is occuring to some degree, the Draft Element Table B.7 attempts to provide a regional track record (rather than use the proportional method), but does not sufficiently account for the differences in market conditions and the regulatory environment between Oakland and Piedmont to justify this decision. While the draft does specify Piedmont has lower fees in certain areas, the element should not use Oakland as a

base example unless it can demonstrate similar "market conditions" and "regulatory environment", including pro forma analysis, fees, process costs, city timelines, local opposition to new housing, and zoning/development standards. Piedmont, in contrast to Oakland, is a small and historically exclusionary city that has largely been restricted to single-family development. Piedmont's draft fails to account for its unique regulatory environment, and should not base its projections off Oakland's development track record unless it brings its own regulatory environment in line.

Appendix C: Housing Constraints:

The Constraints analysis does include a discussion of environmental and infrastructure constraints but does not follow HCD guidance in calculating a net buildable acreage. Programs 1.D, 1.F-H, and 1.L should specifically consider "**the imposition of any development standards that impact the residential development capacity of the sites**" when they are implemented such that they are accomplished with the density and affordability expected. The element should use the realistic capacity table example presented by HCD guidance, and should evaluate backup sites to accommodate any No Net Loss issues if the low income sites are developed at lower than 100% affordability.

C.2.4 Permits and Procedures

- "Piedmont's planning and permit fees are in the middle when compared to those in other cities." This is not quantified.
- The cost of non-city impact fees (especially from EBMUD) is not mentioned.
- Non-fee public improvement cost is not quantified, and parcel map cost is not included in the per unit fee analysis table.
- All of Piedmont was declared as WUI in 2020, which includes Fire Hardening construction standards, but the costs of these standards are not mentioned or quantified. City updates fire and building codes to reflect new climate realities | Piedmont Exedra
- The fee analysis does not address the city's "extraordinary costs" requirement.

D. Extraordinary costs. Extraordinary costs incurred by the city in processing an application include the cost of consultants and experts determined by city staff, the Planning Commission or the City Council to be necessary for a full and adequate hearing. The applicant is responsible for these costs, which will be included in a deposit amount under subsection C.

Section IV Housing Plan: Goals, Policies, and Programs

1.K City Services Impact Fee for Multi-family Housing

Via Item 1.K, the element explicitly proposes to institute a new fee on multifamily development, which runs counter to the purpose of facilitating housing development. Such a fee must be implemented following AB 602 and should be proportional to unit size. It cannot be subject to multifamily housing only.

4.D Fee Review

Any fee review (Program 4.D) is now subject to AB 602 (under the section 66000 definition of "fee"). Program 4.D should be modified to match - the program should follow "per sf" requirements of state law but may use project value fees where warranted by law or where related to application processing.

We look forward to continuing to engage with the City of Piedmont in this process, and would welcome the chance to speak with staff to discuss our concerns.

Maxwell Davis,
on behalf of the 2500 members of East Bay for Everyone

Zoe Siegel
Director of Climate Resilience
Greenbelt Alliance

Keith Diggs
Housing Elements Advocacy Manager
YIMBY Law

Zac Bowling
Lead
East Bay YIMBY

PIEDMONT
UNIFIED SCHOOL DISTRICT
Office of the Superintendent
760 Magnolia Avenue • Piedmont, CA 94611 • 510-594-2614

June 8, 2022

City Council
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

Re: Support of the Draft 6 th Cycle Piedmont Housing Element and Greater Housing Affordability

Dear Mayor King and City Councilmembers,

As you know, I have decided to leave the Piedmont school system after 19 years, including seven years as Superintendent, to become Superintendent of the San Mateo Union High School District. I will miss being a part of the Piedmont community. My experience as an educator within the Piedmont school system gives me a special understanding of the challenges of recruiting and retaining the most talented and caring teachers and staff to serve the Piedmont community.

The Piedmont Unified School District (PUSD) has consistently performed in the top tier of both public and private schools for academics, college placement, and school athletics, as well as the civic engagement of our pupils. This is possible because of the dedication, talent, and hard work of every member of the PUSD community. Asking our staff to perform and continue to perform with excellence means asking ourselves how we will support and show up for them in return.

The cost of living in the Bay Area continues to burden teachers and School District staff, turning away new teachers, coaches and staff just starting their careers and leading experienced educators to leave the District for opportunities in places where their salaries go farther. Housing affordability is the largest cost of living burden our teachers, coaches and other staff face every day.

I would like to conclude this letter in support of the Draft 6th Cycle Piedmont Housing Element, published by the City of Piedmont on April 8, 2022, by saying that I participated in the stakeholder interviews conducted for the 6th Cycle Housing Element in July 2021. In the interviews, I noted the difficulty of recruiting and retaining staff when housing costs are too high and when employees often have long commutes from their residences to Piedmont. I support

the Draft 6th Cycle Piedmont Housing Element because it provides a toolbox of solutions that the City will use to work with private property owners, the development community and the State of California, to improve housing affordability for School District staff, Piedmont residents and the broader community.

Sincerely,



Randall Booker

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Item # 3 – Consideration of Direction to Staff to Provide the Draft 6th Cycle Housing Element of the General Plan to the California Department of Housing and Community Development for its 90-Day Review
Correspondence received before Thursday, June 16, 2022 at 1:00pm

Dear Mayor King and Council,

At the last PC meeting concerning the Housing Element ("HE") draft Kathryn Slama of Lisa Wise consulting was asking about the potential of satisfying Piedmont's RHNA by the *potential* of SB9. Her response was that the State only allows numbers based on past *production*. Mr. Jackson repeated this information June 7: "Where SB9 is concerned, the State will only allow a jurisdiction to project *future* housing development at the current rate of production." This production answer is contrary to published HCD SB9 guidelines.

Attached is the HCD SB9 March 2022 Fact Sheet and kindly view the bottom of page 6 "HOUSING ELEMENT LAW: To utilize *projections* (italics added) based on SB9 toward a jurisdiction's regional housing need allocation (RHNA). . ." HCD then lists four elements needed in a Housing Element to have projections count towards a RHNA reductions: site specific inventory, undeveloped site analysis, identify government restrain and show policies that establish zoning standards early in the process. All are well within the ability of the consultants to include in the draft Housing Element. Explicitly HCD has stated a process for *potential* housing under SB9 to be used to partially satisfy Piedmont's RHNA. Other Cities such as affluent Atherton are including this element.

For Piedmont a fundamental positive aspect of embracing SB9 is that new small sized homes still require Piedmont's thoughtful and neighbor involved design review. Embracing SB9 is a more realistic and sensible approach than envisioning multi-unit dwellings in church parking lots, City Center, 801 Magnolia next to the new pool or the Highland Avenue median as now included in the draft HE before you.

Finally, the HCD time frame includes minimally two examination and revision phases and further phases are permitted. There is no downside by including SB9 projections as HCD can simply ask for further analysis if needed.

Respectfully,

Rick Schiller

California Department of Housing and Community Development

SB 9 Fact Sheet

On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021)

Housing Policy Development Division
March 2022

This Fact Sheet is for informational purposes only and is not intended to implement or interpret SB 9. HCD does not have authority to enforce SB 9, although violations of SB 9 may concurrently violate other housing laws where HCD does have enforcement authority, including but not limited to the laws addressed in this document. As local jurisdictions implement SB 9, including adopting local ordinances, it is important to keep these and other housing laws in mind. The Attorney General may also take independent action to enforce SB 9. For a full list of statutes over which HCD has enforcement authority, visit HCD's ***Accountability and Enforcement webpage****.*

Executive Summary of SB 9

Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home. SB 9 contains eligibility criteria addressing environmental site constraints (e.g., wetlands, wildfire risk, etc.), anti-displacement measures for renters and low-income households, and the protection of historic structures and districts. Key provisions of the law require a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent an otherwise eligible lot from being split or prevent the construction of up to two units at least 800 square feet in size. For the purposes of this document, the terms "unit," "housing unit," "residential unit," and "housing development" mean primary unit(s) unless specifically identified as an accessory dwelling unit (ADU) or junior ADU or otherwise defined.

Single-Family Residential Zones Only

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A))

The parcel that will contain the proposed housing development or that will be subject to the lot split must be located in a single-family residential zone. Parcels located in multi-family residential, commercial, agricultural, mixed-use zones, etc., are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use. While some zones are readily identifiable as single-family residential zones (e.g., R-1 "Single-Family Residential"), others may not be so obvious. Some local agencies have multiple single-family zones with subtle distinctions between them relating to minimum lot sizes or allowable uses. In communities where there may be more than one single-family residential zone, the local agency should carefully review the zone district descriptions in the zoning code and the land use designation descriptions in the Land Use Element of the General Plan. This review will enable the local agency to identify zones whose primary purpose is single-family residential uses and which are therefore subject to SB 9. Considerations such as minimum lot sizes, natural features such as hillsides, or the permissibility of keeping horses should not factor into the determination.

Residential Uses Only

(Reference: Gov. Code, §§ 65852.21, subd. (a))

SB 9 concerns only proposed housing developments containing no more than two residential units (i.e., one or two). The law does not otherwise change the allowable land uses in the local agency's single-family residential zone(s). For example, if the local agency's single-family zone(s) does not currently allow commercial uses such as hotels or restaurants, SB 9 would not allow such uses.

Ministerial Review

(Reference: Gov. Code, §§ 65852.21, subd. (a); 66411.7, subds. (a), (b)(1))

An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. Ministerial review means a process for development approval involving no personal judgment by the public official as to the wisdom of carrying out the project. The public official merely ensures that the proposed development meets all the applicable objective standards for the proposed action but uses no special discretion or judgment in reaching a decision. A ministerial review is nearly always a "staff-level review." This means that a staff person at the local agency reviews the application, often using a checklist, and compares the application materials (e.g., site plan, project description, etc.) with the objective development standards, objective subdivision standards, and objective design standards.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

The local agency may apply objective development standards (e.g., front setbacks and heights), objective subdivision standards (e.g., minimum lot depths), and objective design standards (e.g., roof pitch, eave projections, façade materials, etc.) as long as they would not physically preclude either of the following:

> **Up to Two Primary Units.** The local agency must allow up to two primary units (i.e., one or two) on the subject parcel or, in the case of a lot split, up to two primary units on each of the resulting parcels.
>
> **Units at least 800 square feet in size.** The local agency must allow each primary unit to be at least 800 square feet in size.

The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Any objective standard that would physically preclude either or both of the two objectives noted above must be modified or

waived by the local agency in order to facilitate the development of the project, with the following two exceptions:

Setbacks for Existing Structures. The local agency may not require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).

Four-Foot Side and Rear Setbacks. SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The local agency may choose to apply a lesser setback (e.g., 0-4 feet), but it cannot apply a setback greater than four feet. The local agency cannot apply existing side and rear setbacks applicable in the single-family residential zone(s). Additionally, the four-foot side and rear setback standards are not subject to modification. (Gov. Code, §§ 65852.21, subd. (b)(2)(B); 66411.7, subdivision (c)(3).)

One-Unit Development

(Reference: Gov. Code, §§ 65852.21, subd. (a); 65852.21, subd. (b)(2)(A))

SB 9 requires the ministerial approval of either one or two residential units. Government Code section 65852.21 indicates that the development of just one single-family home was indeed contemplated and expected. For example, the terms “no more than two residential units” and “up to two units” appear in the first line of the housing development-related portion of SB 9 (Gov. Code, § 65852.21, subd. (a)) and in the line obligating local agencies to modify development standards to facilitate a housing development. (Gov. Code, § 65852.21, subd. (b)(2)(A).)

Findings of Denial

(Reference: Gov. Code, §§ 65852.21, subd. (d); 66411.7, subd. (d))

SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency’s building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Environmental Site Constraints

(Reference: Gov. Code, §§ 65852.21, subd. (a)(2) and (a)(6); 66411.7, subd. (a)(3)(C) and (a)(3)(E))

A proposed housing development or lot split is not eligible under SB 9 if the parcel contains any of the site conditions listed in Government Code section 65913.4, subdivision (a)(6)(B-K). Examples of conditions that may disqualify a project from using SB 9 include the presence of farmland, wetlands, fire hazard areas, earthquake hazard areas, flood risk areas, conservation areas, wildlife habitat areas, or conservation easements. SB 9 incorporates by reference these environmental site constraint categories that were established with the passing of the Streamlined Ministerial Approval Process (SB 35, Chapter 366, Statutes of 2017). Local agencies may consult HCD's **Streamlined Ministerial Approval Process Guidelines** for additional detail on how to interpret these environmental site constraints.

Additionally, a project is not eligible under SB 9 if it is located in a historic district or property included on the State Historic Resources Inventory or within a site that is designated or listed as a city or county landmark or as a historic property or district pursuant to a city or county ordinance.

California Environmental Quality Act (CEQA)

Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (n))

Because the approval of a qualifying project under SB 9 is deemed a ministerial action, CEQA does not apply to the decision to grant an application for a housing development or a lot split, or both. (Pub. Resources Code, § 21080, subd. (b)(1) [CEQA does not apply to ministerial actions]; CEQA Guidelines, § 15268.) For this reason, a local agency must not require an applicant to perform environmental impact analysis under CEQA for applications made under SB 9. Additionally, if a local agency chooses to adopt a local ordinance to implement SB 9 (instead of implementing the law directly from statute), the preparation and adoption of the ordinance is not considered a project under CEQA. In other words, the preparation and adoption of the ordinance is statutorily exempt from CEQA.

Anti-Displacement Measures

(Reference: Gov. Code, §§ 65852.21, subd. (a)(3); 66411.7, subd. (a)(3)(D))

A site is not eligible for a proposed housing development or lot split if the project would require demolition or alteration of any of the following types of housing: (1) housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Lot Split Requirements

(Reference: Gov. Code, § 66411.7)

SB 9 does not require a local agency to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split under Government Code section 66411.7. A local agency may choose to allow more than two units, but it is not required to under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

Accessory Dwelling Units

(Reference: Gov. Code, §§ 65852.21, subd. (j); 66411.7, subd. (f))

SB 9 and ADU Law (Gov. Code, §§ 65852.2 and 65858.22) are complementary. The requirements of each can be implemented in ways that result in developments with both "SB 9 Units" and ADUs. However, specific provisions of SB 9 typically overlap with State ADU Law only to a limited extent on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar may lead a local agency to implement the laws in an overly restrictive or otherwise inaccurate way.

"Units" Defined. The three types of housing units that are described in SB 9 and related ADU Law are presented below to clarify which development scenarios are (and are not) made possible by SB 9. The definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

> *Primary Unit*. A primary unit (also called a residential dwelling unit or residential unit) is typically a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a Junior ADU. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc.
>
> *Accessory Dwelling Unit*. An ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.
>
> *Junior Accessory Dwelling Unit*. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to four units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

> *Lot Split*. When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.
>
> *No Lot Split*. When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

See HCD’s **ADU and JADU webpage** for more information and resources.

Relationship to Other State Housing Laws

SB 9 is one housing law among many that have been adopted to encourage the production of homes across California. The following represent some, but not necessarily all, of the housing laws that intersect with SB 9 and that may be impacted as SB 9 is implemented locally.

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**.

Housing Crisis Act of 2019. An affected city or county is limited in its ability to amend its general plan, specific plans, or zoning code in a way that would improperly reduce the intensity of residential uses. (Gov. Code, § 66300, subd. (b)(1)(A).) This limitation applies to residential uses in all zones, including single-family residential zones. "Reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity. (Gov. Code, § 66300, subd. (b)(1)(A).)

A local agency should proceed with caution when adopting a local ordinance that would impose unique development standards on units proposed under SB 9 (but that would not apply to other developments). Any proposed modification to an existing development standard applicable in the single-family residential zone must demonstrate that it would not result in a reduction in the intensity of the use. HCD recommends that local agencies rely on the existing objective development, subdivision, and design standards of its single-family residential zone(s) to the extent possible. Learn more about **Designated Jurisdictions Prohibited from Certain Zoning-Related Actions** on HCD's website.

Housing Accountability Act. Protections contained in the Housing Accountability Act (HAA) and the Permit Streaming Act (PSA) apply to housing developments pursued under SB 9. (Gov. Code, §§ 65589.5; 65905.5; 65913.10; 65940 et seq.) The definition of "housing development project" includes projects that involve no discretionary approvals and projects that include a proposal to construct a single dwelling unit. (Gov. Code, § 65905.5, subd. (b)(3).) For additional information about the HAA and PSA, see HCD's **Housing Accountability Act Technical Assistance Advisory**.

Rental Inclusionary Housing. Government Code section 65850, subdivision (g), authorizes local agencies to adopt an inclusionary housing ordinance that includes residential rental units affordable to lower- and moderate-income households. In certain circumstances, HCD may request the submittal of an economic feasibility study to ensure the ordinance does not unduly constrain housing production. For additional information, see HCD's **Rental Inclusionary Housing Memorandum**.

Hi
Please see the attached opposition to the housing element and add this to each council members packet
Thanks
Joe

Joe Hurwich
510-654-9669 (c):510-406-1263

Joseph M. Hurwich
260 Sea View Avenue
Piedmont, CA. 94610-1249
Tel: 510-654-9669 joe@hurwich.net

Re: Draft Housing Element
June 16, 2022

Dear City Council Members:

We have been long time residents of Piedmont and find the draft results of the Housing Element to be way off base. Piedmont is a city of roughly 10,000 inhabitants with very little public space and parks. The proposed 538 units will increase the population by 1,000 to as much as 2,000 people including potentially 600+ school age children. These increases will put significant stress on our infrastructure:

1. An increase in population of 10-20% will stress all city services such as:
    a. Police and fire protection
    b. Public works
    c. administration
2. An increase in school population of up to 30%, which will probably require building a new school, but there won't be any available land for a new school

We just don't have the City or school infrastructure to maintain and deal with increases of this level.

As it stands now, we have very few public spaces, parks and tennis courts. The proposal to build units on the existing tennis courts near the city hall is ridiculous. To eliminate one set of only 4-5 tennis courts in the entire city makes no sense.

Tearing down the community hall and police station also makes no sense. The community center is one of only two public gathering places in Piedmont. Costs of reconstruction will be prohibitively high and probably put an additional tax burden on the residents who are already taxed at the highest levels in the State.

Building on Blair park also eliminates a portion of the largest open space in Piedmont, of which there are very few. It also can and will cause significant traffic and safety issues along Moraga Avenue. Moraga is a major road from Montclair and used for potential evacuation and must be kept open and available.

In summary, I am against the plan and it should be totally revamped to take into consideration the increases in population and school needs. If that is not possible then specific areas should be exempted from new construction:

1. No construction and elimination of tennis courts
2. No elimination of the community hall and police station

Please vote against the plan as proposed

Very truly yours

Joe Hurwich

Joe Hurwich

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Fair Housing Complaints, 2016-2021

Jurisdiction	Fiscal Year	Race	National Origin	Disability	Familial Status	Marital Status	Religion	Sex	Source of Income	Age	Other	TOTAL
Albany	2016-2017	6	0	1	0	0	0	0	0	0	0	7
Albany	2017-2018	1	0	1	0	0	0	0	0	0	0	2
Albany	2018-2019	1	0	0	0	0	0	0	0	0	0	1
Albany	2019-2020	0	0	2	0	0	0	0	0	0	0	2
Albany	2020-2021	0	0	3	0	0	2	0	0	0	0	5
City of Alameda	2016-2017	6	3	26	10	1	0	5	N/A	N/A	11	62
City of Alameda	2017-2018	19	0	15	8	3	1	4	N/A	N/A	8	58
City of Alameda	2018-2019	26	1	19	3	0	0	1	N/A	N/A	4	54
City of Alameda	2019-2020	19	0	9	1	1	0	16	N/A	N/A	2	48
City of Alameda	2020-2021	10	6	17	8	1	0	5	9	3	N/A	59
Dublin	2016-2017	13	1	3	0	0	0	0	0	0	2	19
Dublin	2017-2018	12	0	2	1	0	1	0	0	0	2	17
Dublin	2018-2019	9	0	6	3	0	0	0	0	0	1	19
Dublin	2019-2020	6	0	7	0	0	0	0	0	0	3	16
Dublin	2020-2021	2	10	7	0	0	0	0	0	0	0	19
San Leandro	2016-2017	3	5	11	4	0	0	0	0	0	N/A	23
San Leandro	2017-2018	8	4	13	2	0	0	0	4	0	N/A	31
San Leandro	2018-2019	5	1	14	0	0	0	2	3	0	N/A	25
San Leandro	2019-2020	9	3	14	5	0	1	0	7	1	N/A	40
San Leandro	2020-2021	2	1	7	6	0	0	0	9	0	N/A	25
Hayward	2016-2017	2	3	11	6	0	0	0	0	2	N/A	24
Hayward	2017-2018	9	2	17	3	0	0	1	2	0	N/A	34
Hayward	2018-2019	6	2	10	4	0	0	1	1	0	N/A	24
Hayward	2019-2020	0	0	0	0	0	0	0	0	0	N/A	0
Hayward	2020-2021	7	1	19	2	0	6	1	5	1	N/A	42
Piedmont	2016-2017	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2017-2018	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2018-2019	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2019-2020	0	0	0	0	0	0	0	0	0	0	0
Piedmont	2020-2021	0	0	1	0	0	0	0	0	0	0	1
Newark	2016-2017	10	0	5	0	0	0	0	0	0	0	15
Newark	2017-2018	1	0	1	0	0	0	0	0	0	0	2
Newark	2018-2019	4	0	1	0	0	0	0	0	0	0	5
Newark	2019-2020	1	0	10	0	0	0	0	0	0	0	11
Newark	2020-2021	0	4	10	0	0	0	0	2	0	0	14
Emeryville	2016-2017	5	0	2	0	0	0	1	0	0	0	7
Emeryville	2017-2018	9	0	3	0	0	0	0	0	0	0	12
Emeryville	2018-2019	1	1	5	2	1	0	0	1	0	0	11
Emeryville	2019-2020	4	0	9	0	0	0	0	0	0	0	13
Emeryville	2020-2021	2	0	4	0	0	0	0	1	0	7	14
Unincorporated Alameda County	2016-2017	13	2	21	4	0	0	1	0	0	0	42
Unincorporated Alameda County	2017-2018	24	1	22	3	0	0	1	0	0	4	55
Unincorporated Alameda County	2018-2019	21	0	13	6	0	0	0	0	0	2	42
Unincorporated Alameda County	2019-2020	12	0	19	2	0	0	0	0	0	12	45
Unincorporated Alameda County	2020-2021	12	4	11	0	0	0	0	0	0	5	32
Oakland	2016-2017	63	7	57	17	3	0	8	N/A	N/A	101	256
Oakland	2017-2018	32	2	51	19	1	3	14	N/A	N/A	43	165
Oakland	2018-2019	35	3	45	7	4	0	5	N/A	N/A	65	164
Oakland	2019-2020	7	3	19	6	1	20	2	4	N/A	8	70
Oakland	2020-2021	8	23	56	5	0	0	7	3	5	58	165

Source: ECHO Fair Housing

Note: A flood in 2020 of ECHO's records room may have destroyed records of early 2020 complaints, so FY-2019-20 may be incomplete.

Resolution of Fair Housing Cases, 2016-2021

Jurisdiction	Fiscal Year	Counseling	Insufficient Evidence	Successful Conciliation	Cases Dropped	Education to Landlord	Referrals to Atty/DFEH/HUD	Pending	Total
Albany	2016-2017	2	1	0	1	0	0	0	2
Albany	2017-2018	0	1	0	0	0	0	1	2
Albany	2018-2019	1	0	0	0	0	0	0	1
Albany	2019-2020	2	0	0	0	0	0	0	2
Albany	2020-2021	2	0	0	0	2	0	1	5
City of Alameda	2016-2017	42	5	4	8	2	1	0	62
City of Alameda	2017-2018	25	25	3	2	2	1	0	58
City of Alameda	2018-2019	5	30	2	6	10	0	1	54
City of Alameda	2019-2020	9	25	1	0	13	0	0	48
City of Alameda	2020-2021	28	13	4	1	13	0	0	59
Dublin	2016-2017	6	13	0	0	0	2	2	19
Dublin	2017-2018	6	11	2	1	0	0	1	18
Dublin	2018-2019	11	8	0	0	3	0	7	17
Dublin	2019-2020	5	5	0	0	5	0	1	16
Dublin	2020-2021	1	14	1	0	3	0	0	19
San Leandro	2016-2017	5	8	7	1	0	2	0	23
San Leandro	2017-2018	18	7	1	2	1	2	0	31
San Leandro	2018-2019	8	8	2	5	2	0	0	25
San Leandro	2019-2020	14	18	4	0	4	0	0	40
San Leandro	2020-2021	9	5	6	0	5	0	0	25
Hayward	2016-2017	8	5	7	2	1	1	0	24
Hayward	2017-2018	12	10	5	4	2	1	0	34
Hayward	2018-2019	14	6	3	1	0	0	0	24
Hayward	2019-2020	13	13	3	1	11	0	0	41
Hayward	2020-2021	13	15	4	1	9	0	0	42
Piedmont	2016-2017	0	0	0	0	0	0	0	0
Piedmont	2017-2018	0	0	0	0	0	0	0	0
Piedmont	2018-2019	0	0	0	0	0	0	0	0
Piedmont	2019-2020	0	0	0	0	0	0	0	0
Piedmont	2020-2021	0	0	0	0	1	0	0	1
Newark	2016-2017	0	13	0	0	0	0	1	14
Newark	2017-2018	0	2	0	0	0	0	0	2
Newark	2018-2019	0	4	0	0	1	0	0	5
Newark	2019-2020	3	3	0	1	3	0	1	11
Newark	2020-2021	0	9	0	0	2	0	0	11
Emeryville	2016-2017	5	1	0	1	0	2	3	8
Emeryville	2017-2018	9	7	0	1	0	1	4	13
Emeryville	2018-2019	11	0	1	0	1	0	2	11
Emeryville	2019-2020	4	5	1	0	3	0	0	13
Emeryville	2020-2021	6	5	1	1	0	0	1	14
Unincorporated Alameda County	2016-2017	26	15	3	1	0	3	6	42
Unincorporated Alameda County	2017-2018	32	25	3	1	6	0	10	55
Unincorporated Alameda County	2018-2019	16	17	4	1	15	1	3	42
Unincorporated Alameda County	2019-2020	11	24	0	0	8	1	0	45
Unincorporated Alameda County	2020-2021	5	22	0	1	3	1	0	32
Oakland	2016-2017	194	44	3	2	8	5	0	256
Oakland	2017-2018	121	20	9	2	11	2	0	165
Oakland	2018-2019	107	5	2	0	4	5	0	123
Oakland	2019-2020	29	23	6	2	9	1	0	70
Oakland	2020-2021	96	62	1	1	5	0	0	165

Source: ECHO Fair Housing

Note: A flood in 2020 of ECHO's records room may have destroyed records of early 2020 complaints, so FY-2019-20 may be incomplete.

Note: In some instances, there will be more units of service for fair housing than actual clients. This is because some clients allege discrimination based on more than one protected class.

TOPICS OF COMMUNITY INTEREST

The City has received over 550 written public comments about the Draft Housing Element since it was published on April 8, 2022. Comments were received via email and through participation in the Piedmont Housing Puzzle. These comments have been analyzed for common themes and areas of interest. Areas of the Draft Housing Element that have garnered the community attention and questions are explained below, including responses from City staff and consultants.

1. Regional Housing Needs Allocation (RHNA) Process

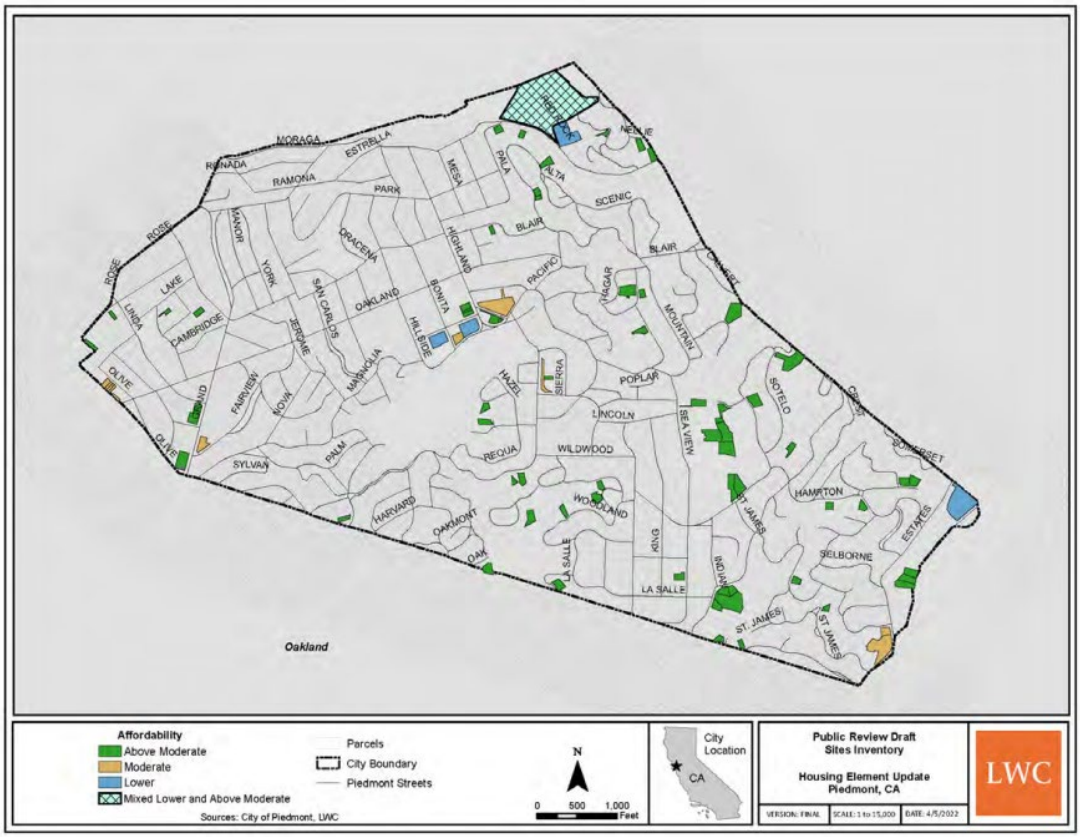
Every city in California receives a RHNA number, which is a target number of homes to plan for at various income levels. RHNA starts with the Regional Housing Needs Determination (RHND) provided by HCD, which is the total number of housing units the San Francisco Bay Area region needs over the eight-year period, by income group.

The Association of Bay Area Governments (ABAG) is tasked with developing the methodology to allocate a portion of housing needs to each city, town, and county in the region. After considering public comments, the ABAG Executive Board approved the RHNA methodology in January 2021. The State of California Department of Housing and Community Development (HCD) reviewed the RHNA methodology to ensure it furthers State-required objectives, and ABAG adopted a final methodology and allocations for every local government in the Bay Area in May 2021. As presented to the City Council on June 21, 2021, the City actively participated at every stage of the RHNA methodology development process and submitted seven letters to ABAG to explain how the proposed methodology did not sufficiently take Piedmont's unique circumstances under consideration. The RHNA assignments for the City of Piedmont are outlined in Table SR-1, as follows:

Table SR-1

2023-2031 RHNA Allocation	
City of Piedmont	
Income Level	
VERY LOW INCOME (<50% of Area Median Income)	163
LOW INCOME (50-80% of Area Median Income)	94
MODERATE INCOME (80-120% of Area Median Income)	92
ABOVE MODERATE INCOME (>120% of Area Median Income)	238
TOTAL ALLOCATION	587

Figure B-2: Draft 6th Cycle Housing Element Site Inventory by Income Category



2. Sites Inventory

Every Housing Element must include an inventory of land suitable and available for residential development to meet the locality's regional housing need by income level. As part of this analysis, the City must calculate the projected residential development capacity of the land or sites identified in the Housing Element that can be realistically achieved. (Government Code section 65583.2(c).) The privately owned sites continue to be controlled by the property owners, who will decide how they are developed. The Draft Housing Element does not include programs for eminent domain. Private property will continue to be controlled by their property owners.

Thus, in accordance with State law, the proposed Draft Housing Element includes a recommended housing sites inventory for review and consideration. Figure B-2, the Draft Housing Element's site inventory map, is included on page B-15 and excerpted below. Table B-9, beginning on page B-17 of the Draft Housing Element, lists sites organized by income levels.

3. City Owned Sites

Due to changes to State law that increase the scrutiny on sites identified for housing affordable to households with low incomes, as well as Piedmont's higher RHNA during this Housing Element cycle compared to previous cycles, the sites inventory in the Draft 6th Cycle Housing Element includes opportunity sites in all zones, including City-owned properties, to meet the eligibility and feasibility criteria required by HCD. After careful review of all City-owned properties, the following were included in the Draft Housing Element, published on April 8, 2022:

- Piedmont Public Works Corporation Yard
- City Hall and Veterans Memorial Building/Police Station
- Corey Reich Tennis Center
- Highland Avenue Grassy Strip (between Sierra Avenue and Sheridan Avenue)
- 801 Magnolia Avenue

These City-owned sites are suggested for the sites inventory for their size (0.5 acre or more), proximity to arterial roadways and access to transit, fire and emergency services, schools, and a commercial district with multiple services. The existing uses on these sites could be incorporated into a future redevelopment plan. In addition, the existing city-owned buildings, such as administrative offices, multi-use spaces, community rooms, and Police Department and Fire Department facilities, require modernization to meet current seismic and fire safety requirements, improved energy efficiency, and expansion to meet the City's needs. The inclusion of the Cory Reich Tennis Center as a potential site recognizes that it is possible to develop a structure with tennis courts atop. City-owned sites smaller than 0.5 acres, like 801 Magnolia Avenue or the Grassy Strip along Highland Avenue, were included because they are adjacent to other City lands and could be enlarged with lot line adjustments.

Should a developer express interest in a City-owned site at some point in the future, the City would be positioned to consider its needs and requirements and then negotiate the terms of a possible development. The City would work with a development partner to develop units affordable to low- and very low-income households and meet the number of units specified in the Housing Element. As recommended in the draft City Council resolution, the Draft Housing Element would outline a request for proposals (RFP) process to identify potential development partners for City-owned sites.

The Draft Housing Element published April 8, 2022, is innovative. Likewise, the housing developers with interest in building housing on City-owned land will need to be innovative to adapt to the physical and built surroundings, and to accommodate the City's need to replace or improve existing City facilities. A key takeaway is that if the City of Piedmont owns the property to be redeveloped into housing, the City controls who builds and operates the housing and how it is designed.

3. Specific Plan/Moraga Canyon

Specific plans are regulated by Government Code Sections 65450 et. seq. A specific plan must include a text and a land diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the land area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities, proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures, such as development fees, necessary to carry out paragraphs (1), (2), and (3).

A specific plan includes a study of the issues enumerated above, and once adopted by a city, all future regulation of the specific plan area must be in conformance with it. In addition, a specific plan includes a statement describing the relationship of the specific plan to a city's General Plan.

Within the sites inventory (starting on page 41 and page B-13), the Draft Housing Element proposes to prepare a specific plan for the area of the Public Works Corporation Yard at 898 Red Rock Road and the adjacent lot to accommodate new housing development, incorporate existing amenities, and modernize current city functions. The specific plan approach, outlined in housing program 1.L, would give the City the opportunity to study the future transportation and circulation system in the area; study the public infrastructure needs, such as any roadways, bridges, utilities, and evacuation routes; and design solutions to potential environmental impacts, such as wildfire mitigations, evacuation routes, and safe emergency response.

The Draft Housing Element recommended by the Planning Commission on May 12, 2022, identifies a mixture of affordability levels for the Corporation Yard site, consisting of 100 new housing units affordable to households with low and very-low incomes, located along the frontage on Moraga Avenue, and 32 market-rate units on the hillside above the Public Works offices and storage facilities.

In response to extensive public comment and further staff analysis**,** the attached draft resolution prepared for the review of the City Council includes two suggested revisions relative to Moraga Canyon:

1. Expansion of the specific plan area to include Moraga Avenue public right-of-way and land within Blair Park, which is located on the south side of Moraga Avenue; and

2. Decrease the minimum unit count in the specific plan from 132 units to a minimum 92 units and up to 160 units.

The revision recommended by staff in this report would include additional land in the specific plan study area, including Moraga Avenue public right-of-way from Highland Avenue to the northern

city limit line and including land designated as Blair Park.

In addition, the number of new housing units in the specific plan would be adjusted to a new range with a minimum of 92 units, instead of the minimum of 132 housing units originally called for in housing program 1.L in the Draft Housing Element. Of the minimum 92 units, 60 would be affordable to households with low and very low incomes and 32 would be affordable to incomes in the above moderate category. A key takeaway is that all of the City-owned land in Moraga Canyon would be studied together in order to improve access, build new housing, address potential hazards, and improve City facilities, while conserving open space and recreational amenities.

Decreasing the minimum unit count in the specific plan area by 40 units could increase the likelihood of a successful specific plan in Moraga Canyon. The reduction of 40 units in Moraga Canyon would require the addition of 40 low and very income units elsewhere. The potential site to receive the 40 units would be located at 1337 Grand Avenue. This recommended adjustment is discussed below in part 7, Distribution of New Housing Units.

Staff recommends expanding the land area considered in the specific plan to include Blair Park so that it results in a more comprehensive and integrated approach to land use planning and emergency preparedness planning in Moraga Canyon.

4. Measure A-1 Timeline and Prioritization of City Owned Sites

Of the $580 million in the Measure A1 Affordable Housing Bond (2016), $225 million was made available to cities within Alameda County based on their population and Regional Housing Needs Allocations to plan for and build affordable housing within each jurisdiction as “Base City Allocations.” Piedmont’s base allocation is $2.1 million. On June 7, 2022, the Alameda County Board of Supervisor’s approved an extension of the deadline for the City of Piedmont to identify a development partner and site for affordable housing for the Measure A-1 funding from December 2022 to December 2024.

One of the recommendations in the Planning Commission’s May 12th resolution was to revise housing programs 1.F, Increase Allowances for Housing in Zone B, and 1.L, the Specific Plan (see meeting minutes and resolution, Attachment D to this staff report). The Commissioners questioned whether or not the proposed specific plan prioritized the Corporation Yard site over other City-owned sites included in the Sites Inventory for affordable housing development.

Staff clarified that there is no intended hierarchy of sites in the Draft Housing Element. Several City-owned sites in the Housing Element Sites Inventory have the access, lot sizes and shapes, and public utilities necessary for redevelopment if desired by the City Council. The specific plan approach in program 1.L for the Public Works Corporation Yard area is proposed because the site is larger than 10 acres, and this site has not been readied for development, such as through plans for subdivision plan, roadways, sidewalks, utilities, and other considerations.

In response to staff’s explanation, the Planning Commission recommended:

- That programs 1.F and 1.L be revised to clarify that lack of priority,

- That all sites included in the Sites Inventory for affordable housing development be considered concurrently for application of Measure A-1 funding.

The specific plan approach for the Corporation Yard area (with recommended expansion to include Blair Park and Moraga Avenue public right-of-way) is expected to take a minimum of 18 months to complete studies and public engagement before this site would be suitable for redevelopment. Because the deadline for Measure A-1 projects in Piedmont has been extended to December 2024, it may be possible to identify a development partner and apply for Measure A-1 funding for housing development in the specific plan area, as well as other City-owned sites not in the specific plan area. To help meet the Commission's recommended approach and enable all of the City-owned sites to be considered for Measure A-1 funding, City staff recommends the following revision to the text of the Draft Housing Element.

The specific plan process would be streamlined if the Draft Housing Element were to be revised to include broad intended goals in the text of program 1.L, Specific Plan. Any future development partner chosen by the City Council to prepare a specific plan and development proposal for the Corporation Yard and adjacent areas, would be required to meet the goals outlined in the Draft Housing Element. Staff recommends that the goals of the specific plan include (new text underlined):

> **"The goals of the specific plan are as follows. The first goal is to enable construction of housing in the range of 92 to 160 units, on portions of the site totaling approximately 3.5 acres of land, yielding a minimum of 60 to 100 units of housing affordable to households earning less than 80% of the area median income (AMI) and 32 units affordable to households more than 80% of the AMI.**
>
> **In addition, specific plan goals include improved safety. New habitable structures shall be built to meet fire code requirements for Wildland Urban Interface Areas.**
>
> **The specific plan must include replacement and/or modernization of existing Public Works Department facilities, offices, storage areas, vehicle storage areas, etc. so that service capacity is maintained or increased, and so that the facilities meet current building and fire code requirements.**
>
> **The specific plan must include recreation facilities, including but not limited to a skatepark and an athletic field which incorporates a regulation size soccer field as well as a baseball/softball diamond.**
>
> **The specific plan must provide all public utilities to new housing and all City facilities to be constructed within the specific plan area in a manner consistent with public safety standards and Piedmont Climate Action Plan goals and programs.**

> **The specific plan must include improvements to pedestrian and vehicular circulation, as determined necessary by the City Engineer to provide safe pedestrian, bicycle, and motor vehicle movements, ensure safe evacuation routes, and ensure optimal emergency response.**
>
> **The goals of the specific plan include a comprehensive landscape plan for areas planned for development. The landscape plan shall prioritize to the extent practicable: fire safety; and the preservation of significant open space, scenic views, and native and heritage trees."**

As proposed in the draft resolution prepared for the review of the City Council, the implementation of programs 1.F, Increase Allowances for Housing in Zone B, and 1.L, the specific plan, would be revised to have the following timelines that would coordinate with timeframes for Measure A-1 funding:

> Page 38, Program 1. F, Increase Allowances for Housing in Zone B, Timeframe:
> • Zoning amendment completed within 3 years of Housing Element adoption.
> • **Begin developing goals for City-owned properties in 2023 as a first step towards development of affordable housing on City-owned sites.**
>
> Pages 41 to 42, Program 1.L, the Specific Plan, Timeframe:
> • Apply for **available** grant funding and issue RFP for **specific plan** by end of ~~**2023**~~ **2025**.
> • Begin ~~**subdivision of site and**~~ Surplus Land declaration early 2024.
> • Prepare specific plan ~~**to be completed**~~ **with the goal of completion** by ~~**early**~~ **the end of** ~~**2025**~~**2026**.
> • Adopt specific plan, General Plan amendments (See Program 1.P), and associated development standards by ~~mid~~ **the end of** ~~**2025**~~**2026**.
> • ~~**Issue development RFP in mid 2025**~~.
> • ~~**Enter**~~ **Pursue** goal of entering into exclusive negotiating agreement with development partners by ~~**early**~~ **the end of** 2026.

5. Potential Constraints and City Charter

Some public comments suggest that the Draft Housing Element must be approved by Piedmont voters in a general election. As outlined in the May 12, 2022 Planning Commission staff report, the proposed zoning amendments in the Draft Housing Element do not reclassify land nor change or expand zoning boundaries. In the judgement of City staff, the Draft Housing Element programs are not subject to City Charter limitations on the City Council's authority.

The Draft Housing Element investigated potential obstacles to the development of housing accessible to households of all income levels. Potential obstacles to development include governmental constraints (fees, development standards, and other regulations) and non-governmental constraints (market conditions, limited land supply, environmental setting, and other limits). For example, the non-governmental constraints analysis found that demand for homes and apartments in Piedmont is very high, resulting in high land costs. The Draft Housing Element includes programs to monitor and address potential governmental constraints due to the City

Charter and zoning ordinance limits on allowable residential densities, as described below. The staff report prepared for the May 12, 2022, Planning Commission meeting includes a discussion of the proposed programs to eliminate governmental constraints on housing development.

6. Proposed Zoning Amendments

The Draft Housing Element does not change the zoning classification of any properties in Piedmont. Nor does it propose any zones be enlarged or reduced. In order to meet the 6th Cycle RHNA target with Piedmont's limited available land, the Draft Housing Element's Goal 1, New Housing Construction, proposes future zoning ordinance amendments to increase the allowed residential density in existing zoning districts. Amendments increase allowed residential density for housing affiliated with religious institutions in Zone A in accordance with California Assembly Bill 1851 (program 1.D, page 37) and increase allowed residential density in Zone B (program 1.F), Zone C (program 1.G), and Zone D (1.H), as follows:

Table S-R 2

Zoning District	Current Residential Density DU/ acre*	Proposed Residential Density DU/ acre*
Zone A	5	21
Zone B	5	60
Zone C	21	60
Zone D	20	80

*DU/acre means the dwelling units per acre ratio.

These proposed densities, outlined in the table above, permit the City's limited land resources to yield the required number of housing units mandated by the RHNA at all required levels of affordability. The proposed zoning amendments are consistent with the City Charter. Proposed zoning ordinance amendments would be developed after adoption of the Housing Element and considered by the City Council at a future public hearing. Some proposed amendments would be considered within 1 year after adoption of the Housing Element, and some, like increasing permitted density in Zone D, would be implemented within 3 years.

7. Distribution of New Housing Units

The Draft Housing Element's first goal, new housing construction, includes programs to build new housing units at all affordability levels throughout the City of Piedmont. Zoning amendments to increase the maximum number of housing units are recommended in Zones A, B, C, and D. Non-profit affordable housing developers, the most likely developers of housing affordable to low and very-low-income households in Piedmont, have expressed to City staff that land costs severely limit affordable housing developments and that developments of 30 to 60 units are needed to achieve economies of scale. Some larger developments of up to 60 dwelling units on suitable publicly owned land are necessary to provide low and very low income housing in Piedmont.

The Draft Housing Element includes programs to encourage two affordable housing developments on City-owned land in the northern part of Piedmont, four affordable housing developments on City-owned land in Piedmont's central civic center, and one religious affiliated affordable housing

development with Zion Lutheran Church, in the eastern part of Piedmont. In addition, 35% of the 140 new accessory dwelling units (ADUs) planned for in the Draft Housing Element (49 ADUs) in Zones A and E are expected to be affordable to low- and very low-income households through a program of new incentives. Outside of ADUs, the Draft Housing Element does not identify new affordable housing on specific sites in the western part of Piedmont.

The Draft Housing Element takes a conservative approach to future development for all of the privately owned property in Piedmont. All privately owned property included in the sites inventory is identified as potential new moderate income or market-rate housing, due to the high cost of land. Staff recommends a revision to the proposed sites inventory regarding the property at 1337 Grand Avenue in the western part of Piedmont. This property is already included as a primary site in the sites inventory for redevelopment with mixed commercial and market-rate housing during the Housing Element planning period.

State requirements for sites eligible for low and very low income housing in the Housing Element Sites Inventory allow cities to indicate potential sites for affordable housing on privately owned sites. This is a common planning practice, and Piedmont's 5th Cycle Housing Element identified privately owned sites for low and very low-income housing at 29 Wildwood Avenue and 1201 Grand Avenue, due to the "default density" rule for low-income housing, established by AB 2348 (2005). AB 2348 established zoning densities at which multi-family development is considered affordable to households earning low and very low incomes. The default density for small cities is 20 dwellings per acre. The default density for larger cities is 30 dwellings per acre.

The site at 1337 Grand Avenue is eligible for designation as new housing potentially affordable to residents with low incomes, according to AB 2348 and other HCD criteria. Draft Housing Element programs would increase the allowed residential density at this site to 80 dwelling units per acre, the property is just over 0.5 acres in size, and the property owner has expressed a willingness to consider redevelopment during the Housing Element planning period. For these reasons, this site meets HCD's criteria, including the "default density" for affordable housing. Inclusion of affordable housing units on Grand Avenue would further distribute new housing units opportunities throughout the City.

Staff proposes changing the sites inventory table, Table B-9 (page B-20) from "above market rate" to "low and very low" for the possible 40 units on this site. The sites inventory table and map would be updated to make up the remaining above moderate sites required by the RHNA from sites identified in the table as affordable to moderate income households.

8. Feasibility Analysis and Realistic Capacity

The State criteria for sites included in the Housing Element sites inventory range from 0.5 to 10 acres. Sites of this size in Piedmont are rare, and many are City-owned. In addition, non-vacant sites require further explanation to substantiate how these sites could be redeveloped within the planning period (2023 to 2031). The Draft Housing Element includes analysis of redevelopment in the neighboring jurisdiction, the City of Oakland, to show that the densities anticipated for the new housing plan could be achieved in the East Bay real estate market. The requirement for feasibility analysis is to determine if the owners of property included in the sites inventory would

be willing to consider a development proposal. City staff members have contacted property owners to confirm their willingness to consider redevelopment within the Housing Element planning period.

In addition, this staff report includes a recommendation to revise the text of the Draft Housing Element to include additional clarification about the methodology used to calculate realistic capacity. "Realistic capacity" is an HCD consideration which reduces or caps the projected growth under the proposed housing programs. Staff recommends revising the Draft Housing Element to include the following additional text in Section B.2.3 (page B-5), written in consideration of recent guidance from ABAG planners:

> **The City's Site Inventory conservatively assumes a "realistic capacity" of 80 percent of the maximum allowed density (i.e., a 20 percent reduction) for multi-family and mixed-use zones in order to account for potential development constraints, such as building code and zoning standards that limit the maximum building size and shape in order to have sufficient corridors, roof slopes, mechanical spaces, minimum separations between buildings, and other considerations.**
>
> **The methodology for estimating the realistic capacity for the Housing Element Site Inventory is based on: best practices; a market understanding of the developer preference to optimize development potential as much as possible on a given site, given land costs; capacity estimates utilized in prior housing element cycles; the experience of other jurisdictions in analyzing realistic capacity; and comparable developments that have occurred in and near Piedmont. For example, Il Piemonte, a 26-unit, market rate mixed-use project, located just outside of Piedmont on Piedmont Avenue, is developed at 87 units per acre, which utilizes 100 percent of the allowed capacity of the CN-1 zoning district in Oakland, without anyaffordable housing density bonus.**
>
> **While there is also significant regional evidence pointing to projects achieving densities greater than 100 percent by utilization of State density bonus incentives, HCD does not allow cities to project unit potential produced through the density bonus in the Housing Element. Therefore, the City maintains a conservative approach to estimating realistic density and realistic capacity.**

Staff recommends an amendment to the Draft Housing Element to further justify the methodology to determine appropriate realistic capacity. The draft resolution prepared for City Council consideration directs staff to amend Section B.2.3 of the Draft Housing Element, titled, "Density and Capacity Assumptions" to include additional examples of projects in Alameda County and near Piedmont that are built at 80 percent or more of their allowed capacity.

9. Accessory Dwelling Units (ADUs)

In accordance with HCD guidance, the proposed Draft Housing Element averages the rate of issuance of building permits for new ADUs in Piedmont from 2019 to 2021 (17.5 issued building permits) and projects out an estimated increase of 140 new ADUs during the Housing Element planning period (17.5 x 8 years = 140 ADUs).

Staff estimates that there are more than 300 ADUs in Piedmont. Recent changes to State law have resulted in City approval of over 70 new ADUs in the last 8 years. Some of these ADUs have deed restrictions limiting who can occupy the ADU and how much rent can be collected. Most of the recent ADUs do not have rent or occupancy restrictions.

The Draft Housing Element includes programs to continue to encourage the production of ADUs, including new programs to incentivize affordable ADUs and new programs to market ADUs more broadly. The May 12, 2022, Planning Commission staff report includes a discussion about ADU programs in the Draft Housing Element and how they will help the City meet the 6th Cycle RHNA.

The City's objectives for new ADU production are described below. No further revisions are suggested to the ADU portions of the Draft Housing Element.

10. Senate Bill 9 (2021)

Some public comments received by staff encourage the City to rely on the development of housing units through a new State law to meet the RHNA. This law, called Senate Bill 9 (SB 9), took effect January 1, 2022. SB 9 allows the development of up to four housing units on land zoned as single-family residential. In Piedmont, land in Zone A and Zone E is zoned single-family residential. This is the largest zoning area in Piedmont (68% of all land is in Zone A or Zone E). The Draft Housing Element includes a new housing program 1.J (page 44) to implement SB 9 to generate additional housing unit growth while preserving the architecture, landscape features, fire safety, and roadway access enjoyed today.

The Draft Housing Element does not rely on SB 9 in the sites inventory for the following reasons. There is no requirement in SB 9 that units must be affordable to low or even moderate income households. It is likely that units developed through SB 9 will be affordable only to above moderate income households. The HCD guidance on SB 9 requires cities to show the basis for projecting housing unit growth resulting from SB 9 associated with a past rate of production. City of Piedmont has a very slow rate of development of new homes that are not ADUs. Development of new homes averages 2 per year.

Instead, staff recommends that the housing program for SB 9 include a quantifiable objective of 40 new housing units in the moderate and above-moderate-income categories during the planning period. Staff is confident that there is sufficient interest in the community to build additional housing units and benefit from the streamlined process provided in SB 9. Programs like the program for SB 9 will help the City show progress in meeting the RHNA in the annual progress reports reviewed by City Council and submitted to HCD. Quantifiable objectives are discussed below.

11. Quantifiable Objectives

Members of the public have noted that the quantifiable objectives section of the Draft Housing Element (page 75) does not total the 587 housing units required by the RHNA. There is no legal requirement that a city's quantifiable objective match the RHNA. It is an opportunity to set benchmarks for the City to evaluate the effectiveness of new housing programs. Quantifiable objectives are separate and distinct from the consideration of the sites inventory. Quantifiable objectives are not used to satisfy the RHNA. Only the sites inventory can be relied upon to satisfy the RHNA.

This staff report recommends that the City Council direct staff to amend Section IV of the Draft Housing Element, Quantifiable Objectives, to enumerate the planned number of housing units associated with new housing programs for new construction. The intention is to provide the City Council with benchmarks to evaluate the success of housing programs in the future. The following table outlines the expected number of housing units associated with housing programs.

Revised Table IV-1: Quantified Objectives

Program #	Program Name	Quantified Objective						Notes
		Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	
1.B	Market-rate ADUs				45	45	90	
1.D	Religious Affiliated Housing			15	15		30	
1.E	Inclusionary ADUs				10		10	
1.F	Zoning Amendments Zone B	25	25	15	15		80	
1.G	Zoning Amendments Zone C					15	15	
1.H	Zoning Amendments Zone D	5	20	20	20	20	85	
1.J	Implementation SB 9				20	20	40	
1.L	Specific Plan	20	20	20	16	16	92	
1.M	Mobile and Manufactured Homes					5	5	
2.A	CDBG Rehabilitation			4	4		8	
3.B	Legalize Unpermitted ADUs				17		17	
3.D	ADU Missed Opportunities				10		10	
3.E	Affordable Housing Fund	2	3	5			10	
3.F	Incentives Affordable	5	30				35	

	ADUs							
4.M	Objective Design Standards	10	15	15	10		50	
5.H	Single-Room Occupancy	5	5				10	
5.K	Supportive Housing	3	3				5	
Total		75	121	94	182	121	593	

As noted in section 10 and in the table above, the City's team of staff and housing consultants estimate that program 1.J directing the City to implement SB 9 regulations could create 40 new housing units in the moderate and above moderate-income categories. The housing programs for ADUs will support the 140 ADUs anticipated based on prior rate of production, plus 22 additional housing units resulting from new programs and incentives. This is a conservative projection, and the City of Piedmont could see more than 162 ADUs over the 8-year planning period.

12. Fair Housing Outreach and Enforcement

The City of Piedmont is committed to eliminating racist policies, laws, and behaviors in City government and in the community. The Draft Housing Element shall be revised prior to submission to California HCD to include additional sources and data regarding the record of fair housing complaints. Housing discrimination in Piedmont includes the tragic history of the Sidney Dearing family in Piedmont in the 1920's, as well as institutional racist state and federal practices that were applied to real estate in Piedmont.

On page F-2 of Appendix F, the Draft Housing Element shall be revised to include data on HCD and ECHO Fair Housing's fair housing enforcement, compiled by the consulting firm Urban Planning Partners (UPP), Inc., updated on April 22, 2022. This data indicated a total of one call for service regarding possible housing discrimination which was resolved with landlord education. The UPP data is included with this staff report as Attachment H.