



## 2023-2031 Housing Element Implementation Project

### Final Environmental Impact Report State Clearinghouse No. 2022020362

*prepared by*

**City of Piedmont**  
120 Vista Avenue  
Piedmont, California 94611  
Contact: Kevin Jackson, AICP, Director of Planning & Building

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
449 15<sup>th</sup> Street, Suite 303  
Oakland, California 94612

**January 2024**



RINCON CONSULTANTS, INC. SINCE 1994

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# 1 Introduction

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## 1.1 Purpose of the Final Environmental Impact Report

This Final Environmental Impact Report (EIR) has been prepared by the City of Piedmont (City) to evaluate the potential environmental impacts of the proposed 2023-2031 Housing Element Implementation (“proposed project” or “project”).

As prescribed by the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the City, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft EIR and to prepare written responses to those comments. This document and the Draft EIR (incorporated by reference) comprise the Final EIR for this project. This Final EIR includes individual responses to comments relevant to the Draft EIR in each letter received during the public review period for the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to the material in the Draft EIR. In accordance with *CEQA Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised. The City has provided a good faith effort to respond to environmental issues relevant to the Draft EIR and CEQA raised by the commenters.

## 1.2 Document Organization

The Final EIR includes the following contents:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this document and summarizes the environmental review process for the project.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Revisions to the Draft EIR.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Underlined text represents language that has been added to the Draft EIR and ~~struck out~~ text represents language that has been removed.
- **Chapter 4: Mitigation Monitoring and Reporting Program.** This chapter contains the MMRP for the proposed project.

## 1.3 Draft EIR Public Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to circulate a Notice of Availability of a Draft EIR (NOA) and provide the general public with an opportunity to comment on the Draft EIR. The Draft EIR was circulated for a public review period that began on November 3, 2023, and ended on December 18, 2023. Copies of the NOA were mailed to local and state agencies and posted with the County Clerk’s Office. The NOA and Draft EIR were also filed with the State Clearinghouse. The Draft EIR was posted electronically on the City’s website (<https://www.piedmontishome.org/housing-element-update>) and a paper copy was available for review at the City offices at 120 Vista Avenue, Piedmont, CA 94611.

The City of Piedmont received 15 comment letters on the Draft EIR. Section 2, “Responses to Comments on the Draft EIR,” identifies these commenting parties, their respective comments, and responses to these comments.

The City of Piedmont also accepted verbal comments on the Draft EIR at the Planning Commission hearing on December 11, 2023, and the City Council hearing on December 18, 2023. No verbal comments on the Draft EIR were provided by members of the public at these hearings.

## 1.4 EIR Certification Process and Project Approval

Before adopting the proposed project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15041 to 15043).

In approving a project, for each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (State CEQA Guidelines Section 15091). Per PRC Section 21061.1, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (*CEQA Guidelines* Section 15093).

When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (*CEQA Guidelines* Section 15091[d]).

## 1.5 Draft EIR Recirculation Not Required

*CEQA Guidelines* Section 15088.5 requires Draft EIR recirculation when comments on the Draft EIR or responses thereto identify “significant new information.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft EIR revisions and clarifications presented in this document do not constitute “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR amendments disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project’s significant effects.



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## 2 Responses to Comments on the Draft EIR

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This section includes comments received during public circulation of the Draft Environmental Impact Report (EIR) prepared for the City of Piedmont 2023-2031 Housing Element Implementation Project (proposed project).

The Draft EIR was circulated for a 45-day public review period that began on November 3, 2023, and ended on December 18, 2023. The City of Piedmont received 15 comment letters on the Draft EIR. The commenters and the page number on which each commenter’s letter appear are listed in the table below.

Letter No. and Commenter		Page No.
<b>Topical Responses</b>		
1	East Bay Municipal Utility District (EBMUD)	2-2
2	California Department of Transportation (Caltrans)	2-10
3	California Geological Survey	2-15
4	Alameda County Transportation Commission (ACTC)	2-19
<b>Specific Responses</b>		
5	Susan Garbarino	2-23
6	Bruce Joffe	2-26
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9	Randy Wu	2-47
10	Pam Hirtzer	2-51
11	Vincent Fisher	2-57
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13	Marjorie Blackwell	2-68
14	Liz O’Neil and Tom O’Neil and Laura and Keith Dierkx	2-81
15	John Cheney	2-83

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Comment Letter 1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. These changes in text are included in Chapter 3, *Revisions to the Draft EIR*.

December 12, 2023

Kevin Jackson, Director of Planning & Building  
City of Piedmont  
120 Vista Avenue  
Piedmont, CA 94611

Re: Notice of Availability of a Draft Environmental Impact Report for City of  
Piedmont 2023-2031 Housing Element Implementation Project, Piedmont

Dear Mr. Jackson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the City of Piedmont 2023-2031 Housing Element Implementation Project located in the City of Piedmont (City). EBMUD has the following comments.

#### **WATER SERVICE**

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential, mixed-use multi-family, and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

Main extensions that may be required to serve individual projects within the Housing Element Implementation Project to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. EBMUD requirements for water main separation (California Waterworks Standards) Code of Regulations, Title 22, Section 64572) and placement of water mains are included as Attachment 1. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized for individual projects within the Housing Element Implementation Project, project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of

1

new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

1, cont.

EBMUD's Standard Site Assessment Report and the Draft EIR indicate the potential for contaminated soils or groundwater to be present within the Housing Element Implementation Project site boundaries. Project sponsors for proposed projects within the Housing Element Implementation Project site boundaries should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

2

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD's work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD's standards.

### **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from proposed projects within the Housing Element Implementation Project site boundaries and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally,

3

the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

3, cont.

To ensure that proposed projects within the Housing Element Implementation Project site boundaries contribute to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for proposed projects within the Housing Element Implementation Project site boundaries are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER CONSERVATION**

Proposed projects within the Housing Element Implementation Project site boundaries present an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that individual project sponsors for proposed projects within the Housing Element Implementation Project site boundaries comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations

4

Kevin Jackson, Director of Planning & Building

December 12, 2023

Page 4

requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

4, cont.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:EZ:kn

wdpd23\_240 City of Piedmont 2023-2031 Housing Element Implementation Project

Attachment 1 - EBMUD Requirements for Placement of Water Mains



### **Applicant Pipeline Design Criteria**

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

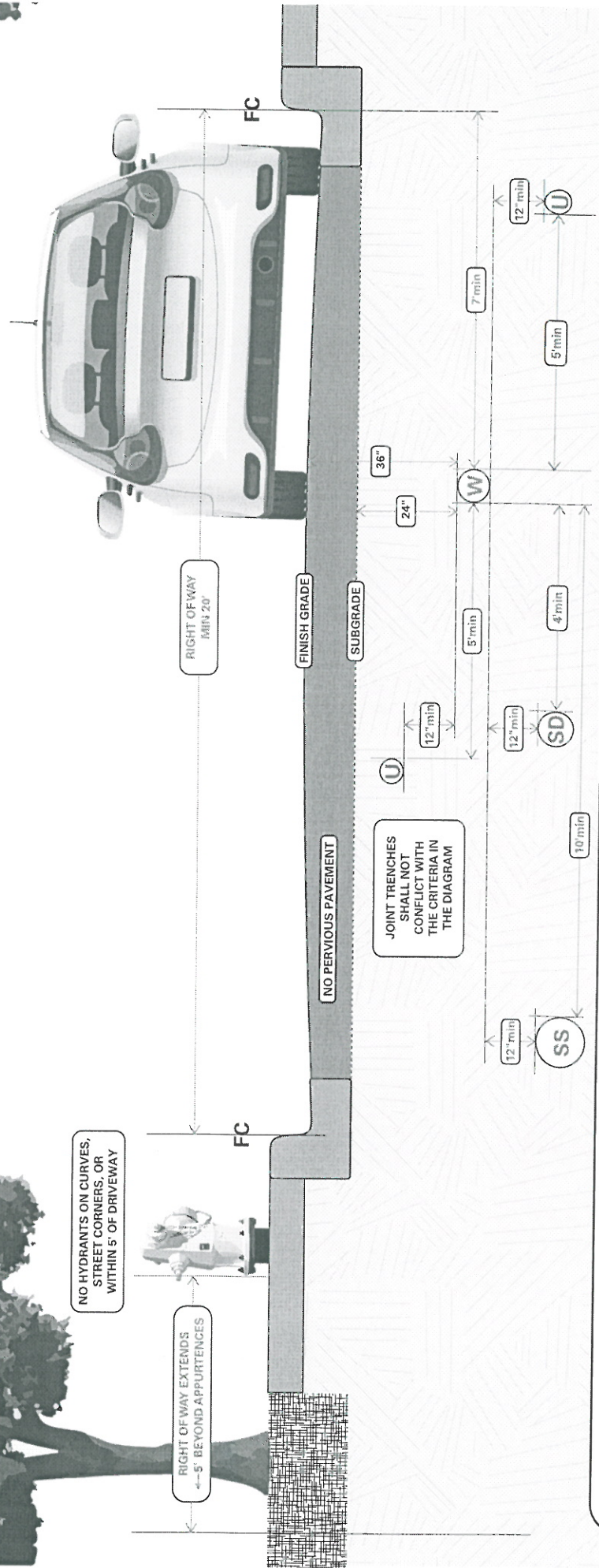
#### Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.



# APPLICANT PIPELINE DESIGN CRITERIA



<b>W = WATER</b> 24" cover to subgrade 36" cover to final grade 7' inset from face of curb	<b>U = UTILITY</b> min 12" vertical clearance min 5' horizontal clearance	<b>SS = SANITARY SEWER</b> min 12" below water min 10' horizontal clearance	<b>SD = STORM DRAIN</b> min 12" below water min 4' horizontal clearance	<b>FC = FACE OF CURB</b>
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## Letter 1

**COMMENTER:** David J. Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District (EBMUD)

**DATE:** December 12, 2023

### Response 1.1

The commenter summarizes California Water Code and California Civil Code that requires individual metering or sub-metering of units in multi-unit structures. The commenter goes on to note that water main extensions may be required to serve individual projects to provide adequate domestic water supply, fire flows, and system redundancy in compliance with State and local EBMUD requirements at the project sponsor's expense. The commenter states that when development plans are finalized for individual projects under the Housing Element Implementation project, project sponsors should contact EBMUD to determine costs and conditions.

Water infrastructure is discussed in under Impacts UTIL-1 and UTIL-2 in Section 4.16, *Utilities and Service Systems*, of the Draft EIR, whereby EBMUD is acknowledged as the main service provider. Future development projects in Piedmont would be required to adhere to all relevant State and local regulations regarding water supply and service, such as those related to metering or sub-metering. Applicable regulations would be enforced by the City during project implementation and review of the associated building permits. As discussed in Section 4.16, *Utilities and Service Systems*, of the Draft EIR, development under the proposed project would be mostly located within previously developed sites or infill sites and surrounded by development and therefore would be served by existing water infrastructure. Future applicants for individual development projects would be expected to contact EBMUD to determine costs and conditions once plans are finalized. No revisions to the Draft EIR have been made in response to this comment.

### Response 1.2

The commenter notes that contaminated soils or groundwater may be present and that EMBUD will not install water piping or services in contaminated soil or groundwater nor will EBMUD install sewage piping in areas with contaminated groundwater. EBMUD requests information regarding soil and groundwater quality when available and will not design piping or services until such information is received and reviewed. EBMUD would not continue work if contamination is discovered after work begins.

As discussed under Impact HAZ-3 in Section 4.8, *Hazards and Hazardous Materials*, of the Draft EIR, future development would be required to comply with State and local regulations related to contaminated soil or groundwater. Future development under the project would be subject to regulatory programs such as those overseen by the Regional Water Quality Control Board (RWQCB) and the DTSC. These agencies require applicants for development of potentially contaminated properties to perform investigation and cleanup if the properties are contaminated with hazardous substances. In addition, the proposed project would include a new policy in the General Plan Environmental Hazards Element which would require cleanup of hazardous waste sites prior to construction. Documentation would be available to the applicant and subsequently EBMUD. No revisions to the Draft EIR have been made in response to this comment.

### Response 1.3

The commenter states that the EBMUD's Main Wastewater Treatment Plant and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from the proposed project. However, wet weather flows are a concern due to exceptionally high peak flows from excessive infiltration and inflow (I/I). The commenter states that to ensure that individual development projects under the proposed project contribute to legally required I/I reductions, development project applicants would be required to comply with EBMUD's Regional Private Sewer Lateral Ordinance, and for the City to impose mitigation measures for individual projects.

Future applicants for individual development projects would be required to comply with EBMUD's Regional Private Sewer Lateral Ordinance and City-imposed mitigation measures, if applicable. No revisions to the Draft EIR have been made in response to this comment.

### Response 1.4

The commenter requests that the City include compliance with the Model Water Efficient Landscape Ordinance as a condition of approval for individual projects under the Housing Element Update. The commenter states that project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service may not be furnished for new or expanded service unless applicable water-efficiency measures are installed at the project sponsor's expense.

As discussed under Impact AQ-1 in Section 4.2, *Air Quality*, of the Draft EIR, future development facilitated by the proposed project would be required to comply with EBMUD's and CALGreen's water efficiency regulations, and the State's Model Water Efficiency Landscape Ordinance, to reduce indoor and outdoor water use. Pursuant to Policy 14.5 of the City's General Plan Natural Resources and Sustainability Element, future development would be encouraged to use native drought-tolerant species and development applications that disturb land of a certain size (2,500 square feet) and other threshold criteria would continue to be required as a condition of approval to comply with the State of California Model Water Efficient Landscape Ordinance. Future development would also be required to comply with Section 31 of EBMUD's Water Service Regulations and install applicable water-efficiency measures. No revisions to the Draft EIR have been made in response to this comment.

## California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



December 13, 2023

SCH #: 2022020362  
GTS #: 04-ALA-2022-00767  
GTS ID: 25609  
Co/Rt/Pm: ALA/VAR/VAR

Kevin Jackson, Planning and Building Director  
City of Piedmont  
120 Vista Avenue  
Piedmont, CA 94611

### **Re: City of Piedmont 2023-2031 Housing Element Update – Draft Environmental Impact Report (DEIR)**

Dear Kevin Jackson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Piedmont 2023-2031 Housing Element Update. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the November 2023 DEIR.

#### **Project Understanding**

The proposed 2023-2031 Housing Element Implementation Project would amend the City of Piedmont's General Plan and Chapter 17, Planning and Land Use, of the Piedmont City Code to implement the City's 2023-2031 Housing Element. The 2023-2031 Housing Element is designed to allow for the capacity to build housing in accordance with the Regional Housing Needs Allocation (RHNA) assigned to Piedmont. The proposed project includes development of a specific plan in the Moraga Canyon Specific Plan area. Further, the proposed project includes updates to other elements of the General Plan to achieve internal consistency, implement the 2023-2031 Housing Element, and reflect regulatory changes since original adoption of the General Plan.

1

### **Travel Demand Analysis**

The project's vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the DEIR, this project is found to have a significant and unavoidable VMT impact. Caltrans commends the Lead Agency in adding the VMT Analysis and Transportation Demand Management policy into the City's General Plan Transportation Element.

2

Using Caltrans' Smart Mobility Framework Guide 2020 ([link](#)), the proposed project site is identified as a predominately Suburban Community where community design is primarily low-density residential development and regional accessibility can vary.

Please also consider the measures listed below that have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Implementation of a neighborhood electric vehicle (EV) network, including designated parking spaces for EVs
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement
- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities)
- Real-time transit information systems
- Bus rapid transit
- Discounted transit programs
- Increased density
- Increased location efficiency
- Increased mixed-use development
- Increased transit accessibility
- Integration of affordable housing
- Orientation of Project towards non-auto corridor
- Location of project near bicycle network
- Pedestrian network improvements

3

### **Integrated Transportation and Land Use**

Transportation and housing are integrally connected. The Housing Element Update process provides a mechanism to reflect current transportation and land use policy and adopt efficient land-use strategies such as transit-oriented, infill and mixed-use developments that can potentially reduce vehicle miles traveled and address climate change.

4

Please review and include the reference to the current California Transportation Plan (CTP) in the DEIR. CTP 2050 envisions that the majority of new housing located near existing housing, jobs, and transit, and in close proximity to one another will reduce vehicle travel and GHG emissions, and be accessible and affordable for all Californians, including disadvantaged and low-income communities. The location, density, and affordability of future housing will dictate much of our future travel patterns, and our ability to achieve the vision outlined in CTP 2050. Caltrans encourages the City to consider and explore the potential of excess state-owned property for affordable housing development, per Executive Order N-06-19.

4, cont.

5

Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through efficient and equitable land use planning and policies. The City should also continue to coordinate with Caltrans to identify and implement necessary network improvements and impact mitigation.

6

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Lisel Ayon, Associate Transportation Planner, via [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov). For future early coordination opportunities or project referrals, please contact [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,



YUNSHENG LUO  
Branch Chief, Local Development Review  
Office of Regional and Community Planning

c: State Clearinghouse

## Letter 2

**COMMENTER:** Yunsheng Luo, Branch Chief, Local Development Review, Caltrans

**DATE:** December 13, 2023

### Response 2.1

The commenter thanks the City for including Caltrans in the environmental review process and states the Local Development Review Program reviews land use projects and plans to ensure consistency with Caltrans' mission and State planning priorities. The commenter provides a summary of their understanding of the project.

The commenter's understanding of the project is accurate. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### Response 2.2

The commenter states that the Draft EIR's vehicle miles traveled (VMT) analysis and significance determination are consistent with the City's adopted VMT policy and commends the City in adding a VMT Analysis and Transportation Demand Management policy to the General Plan Transportation Element.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, the transportation VMT analysis is based on the City of Piedmont's adopted Policy for Analyzing VMT Impact under CEQA. No revisions to the Draft EIR have been made in response to this comment.

### Response 2.3

The commenter states that the city is identified as a predominately Suburban Community with primarily low-density residential development and varied regional accessibility. The commenter outlines measures quantified by the California Air Pollution Control Officers Association (CAPCOA) that are shown to have different efficiencies in reducing regional VMT and urges the City to consider them.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, in accordance with proposed new General Plan policies that are included as part of the proposed project, projects that result in significant VMT impacts must include TDM measures such as limiting parking supply; unbundling parking costs; providing car sharing, bike sharing, and/or scooter sharing programs; subsidizing transit passes, and contributing to a VMT mitigation fee program, bank, or exchange, all of which are identified in the CAPCOA Handbook and would help reduce VMT. No revisions to the Draft EIR have been made in response to this comment.

### Response 2.4

The commenter requests a review of the current California Transportation Plan (CTP) and inclusion of the CTP in the Draft EIR. The commenter states that CTP 2050 envisions a majority of new housing units located in proximity to housing, jobs, and transit, which would reduce vehicle travel and GHG emissions.

In response to this comment, Impact T-1 of Section 4.14, *Transportation*, of the Draft EIR has been revised, and a consistency analysis of the project with CTP 2050 has been included. The revisions are listed in Chapter 3, *Revisions to the Draft EIR*, of this document. As discussed therein, the project was found not to conflict with Caltrans' CTP 2050. These text revisions do not affect the findings or conclusions of the Draft EIR.

### **Response 2.5**

The commenter encourages the City to consider and explore the potential of excess state-owned property for affordable housing development, pursuant to Executive Order N-06-19.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 2.6**

The commenter expresses support for collaboration with local agencies to work towards a safe and multi-modal transportation system integrated through efficient and equitable land use planning and policies. The commenter states that the City should continue to coordinate with Caltrans to identify and implement necessary network improvements and impact mitigation.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment is related to the City's collaboration with Caltrans and does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

**From:** Olson, Brian@DOC <[Brian.Olson@conservation.ca.gov](mailto:Brian.Olson@conservation.ca.gov)>  
**Sent:** Monday, December 18, 2023 2:51 PM  
**To:** Kevin Jackson <[kjackson@piedmont.ca.gov](mailto:kjackson@piedmont.ca.gov)>  
**Cc:** OLRA@DOC <[OLRA@conservation.ca.gov](mailto:OLRA@conservation.ca.gov)>; OPR State Clearinghouse <[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)>; Gomez, DarylAnne@DOC <[DarylAnne.Gomez@conservation.ca.gov](mailto:DarylAnne.Gomez@conservation.ca.gov)>  
**Subject:** City of Piedmont 2023-2031 Housing Element Update

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**SCH Number**  
2022020362

**Lead Agency**  
City of Piedmont

**Document Title**  
City of Piedmont 2023-2031 Housing Element Update

**Document Type**  
EIR - Draft EIR

**Received**  
11/3/2023

Hello, Kevin—

Thank you for providing the City’s Draft EIR for the 2023-2031 Housing Element Update for our review. This email conveys the following recommendations from CGS concerning geologic issues within the General Plan documents:

1. Liquefaction and Landslide Hazards
  - The Draft EIR discusses liquefaction and landsliding as potential hazards and provides a map of "Liquefaction Susceptibility" and "Landslide Susceptibility" based on the ABAG Hazard Viewer Map (Figures 4.6-3 and 4.6-4). CGS notes the landslide susceptibility zones depicted in Figure 4.6-4 represent "rainfall-induced" landsliding, not "earthquake-induced" landsliding, which is a unique triggering mechanism. The City should consider providing an additional discussion of this specific seismic slope instability hazard.
  - The City should supplement both the “Liquefaction and Seismically-Induced Settlement” and “Landslides” sections with a discussion of official CGS Earthquake Zones of Required Investigation (EZRI) for both liquefaction and earthquake-induced landslides, and consider providing maps of these official regulatory zones, which are more different than those provided by ABAG.
  - CGS maps and data are available here:  
<https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones-1/about>  
<https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-landslide-zones-doc-hosted/about>





<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>

2, cont.

<https://maps.conservation.ca.gov/cgs/EQZApp/app/>

- Cities and counties affected by EZRI must regulate certain development projects within them. The Seismic Hazards Mapping Act (1990) also requires sellers of real property (and their agents) within a mapped hazard zone to disclose at the time of sale that the property lies within such a zone.

3

## 2. Fault Hazards

- The Safety Element provides a discussion of the probability of large earthquakes in the region on page 4.6-5. This discussion should be updated using earthquake probabilities from the third Uniform California Earthquake Rupture Forecast (UCERF3). A non-technical discussion of this model is available here:

<https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>

Note the 30-year probability (beginning in 2014) for an M>6.7 earthquake on the Hayward Fault is 14.3 percent. Individual probabilities for the Calaveras and Northern San Andreas faults, along with the entire San Francisco Bay Area, are also available.

4



**Brian Olson, CEG**

**Senior Engineering Geologist  
Seismic Hazards Program**

**14** Years of Public Service



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*"A team is not a group of people who work together.  
A team is a group of people who trust each other." – Simon Sinek*

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## Letter 3

**COMMENTER:** Brian Olson, CEG, Senior Engineering Geologist, California Geological Survey

**DATE:** December 18, 2023

### Response 3.1

The commenter states that figures 4.6-3 and 4.6-4 of the Draft EIR are based on the ABAG Hazard Viewer Map. The commenter states the landslide susceptibility zones depicted in Figure 4.6-4 represent rainfall-induced landsliding and not earthquake-induced landsliding, which is a unique triggering mechanism. The commenter suggests that the City should provide additional discussion of the specific seismic slope instability hazard.

As discussed under the Geologic Hazards Setting in Section 4.6, *Geology and Soils*, Figure 4.6-3 is based on the ABAG Hazard Viewer Map, while Figure 4.6-4 is based on the California Department of Conservation MS58 Deep-Seated Landslide Susceptibility Map, which shows the relative likelihood of deep-seated landsliding based on regional estimates of rock strength and steepness of slopes, and not rainfall-induced landsliding. Nonetheless, as discussed in Response 3.2, Figures 4.6-3 and 4.6-4 of the Draft EIR and the discussion regarding these figures have been updated to reflect CGS data and maps. These revisions do not affect the findings or conclusions of the Draft EIR.

### Response 3.2

The commenter states that the City should include a discussion of official CGS Earthquake Zones of Required Investigation (EZRI) for both liquefaction and earthquake-induced landslides, which are different than those provided by ABAG.

In response to this comment, the Geologic Hazards Setting in Section 4.6, *Geology and Soils*, of the Draft EIR has been revised, and graphics showing liquefaction and earthquake-induced landslides based on CGS EZRI have been included. The revisions are listed in Chapter 3, *Revisions to the Draft EIR*, of this document. These revisions do not affect the findings or conclusions of the Draft EIR.

### Response 3.3

The commenter states that cities affected by EZRI must regulate certain development projects within them. The commenter also expresses that the Seismic Hazards Mapping Act requires sellers of properties to disclose properties on mapped hazard zones.

As discussed in Section 4.6, *Geology and Soils*, of the Draft EIR, future development in Piedmont would be subject to applicable State and local regulations related to seismic hazards. Future property transfers in Piedmont would disclose potential hazards as required. The proposed project would not affect the City's ability to enforce such regulations. No revisions to the Draft EIR have been made in response to this comment.

### Response 3.4

The commenter states that the discussion on page 4.6-5 of the Draft EIR should be updated using earthquake probabilities from the third Uniform California Earthquake Rupture Forecast.

In response to this comment, the Geologic Hazards Setting in Section 4.6, *Geology and Soils*, of the Draft EIR has been revised, and earthquake probabilities using the third Uniform California

Earthquake Rupture Forecast have been included. As discussed therein, the 30-year probability of the San Andreas Fault experiencing an earthquake of magnitude 6.7 or greater is 6.19 percent, and the 30-year probability of the Hayward Fault experiencing an earthquake of magnitude 6.7 or greater is 14.3 percent. These revisions do not affect the findings or conclusions of the Draft EIR.



December 18, 2023

Kevin Jackson  
120 Vista Avenue  
Piedmont, CA 94611

**SUBJECT: Comments on the Draft Environmental Report (Draft EIR) for the City of Piedmont 2023-2031 Housing Element Update**

Dear Mr. Jackson,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Piedmont 2023-2031 Housing Element Update.

The project entails an amendment to the City of Piedmont’s 2009 General Plan, including the Land Use Element and other related elements, and an amendment to the City Municipal Code to implement the 6<sup>th</sup> Cycle of the City’s Housing Element with the goal of meeting Piedmont’s Regional Housing Needs Assessment (RHNA) allocation. RHNA’s allocation for Piedmont is 587 new housing units, including 257 new units for low and very low-income residents.

1

The proposed project also includes amending other elements of the General Plan for internal consistency, implementing the Housing Element and adopting regulatory changes to the 2009 General Plan. The EIR would study the buildout of the implementation of the 2023-2031 Housing Element, which is projected to be 1,048 housing units.

The City of Piedmont is a primarily residential Charter City with an area of 1.7 sq. mi. and approximately 11,000 residents. The City is located in northern Alameda County and is bordered by the City of Oakland in all directions. Approximately 68 percent of the City is single family residential use, with the remainder area used for schools, civic buildings, religions institutions, parks, open space, and commercial uses.

2

The proposed project would appear to generate over 100 pm-peak trips; it is therefore subject to review under the Land Use Analysis Program (LUAP) of the Congestion Management Program (CMP). The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Congestion Management Program (CMP) Review

3

- Alameda CTC appreciates this DEIR evaluating the potential impacts of proposed project on all modes of transportation as referenced on page 4.14-14 of the DEIR and Appendix G, which is outside the CEQA process.
- Appendix G provides an analysis of the impacts of the proposed project on the CMP network of roadways for the “No Project” and “Plus Project” conditions and shows that the proposed project would not result in a significant impact on the CMP roadway segments.

Use of Countywide Travel Demand Model

Alameda CTC appreciates the use of the Alameda CTC Travel Demand Model for the detailed estimation of Vehicle Miles Traveled (VMT) per Capita generated by the City of Piedmont as stated on page 4.14-11 of the DEIR.

4

Transportation Demand Management Program

- Alameda CTC appreciates that the project amends the City’s General Plan Transportation Element to encourage use of the Alameda CTC VMT Reduction Calculator Tool and to require residential projects that are subject to VMT impact analysis to include ongoing transportation demand management (TDM) measures to reduce VMT, as stated on page 4.14-24 of the DEIR.
- Alameda CTC also appreciates the reference to VMT mitigation banks or exchanges as a potential resource for future residential developments in Piedmont to mitigate VMT impacts in the future. As stated in the DEIR, no such programs exist in the region at the time of this writing, but there are some neighboring Countywide Transportation Agencies (CTAs) that are planning such mitigation systems in their counties.

5

Bike and Pedestrian Plans

The City of Piedmont is home to one corridor that is on the [Countywide Bikeways Network](#): Grand Avenue. The Alameda CTC Commission has adopted a policy requiring bike infrastructure that is on the Countywide Bikeways Network and funded by Alameda CTC discretionary sources to meet an All Ages and Abilities (AAA) standard. On an arterial street such as Grand Avenue, the AAA standard typically requires a Class I or Class IV bikeway. With an increase in the number of residents in the City, enhanced facilities for alternative modes of transportation, such as AAA bikeways, could improve safety and reduce the VMT impact of the City’s planned growth.

6

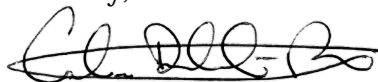
Cumulative Transportation Impacts

According to the detailed VMT analysis, while the proposed project would result in a decrease in the average home-based VMT per resident in the years 2031 and 2040 compared to the Baseline (2020) conditions, it would exceed the significance threshold of 15 percent below the Bay Area Regional Baseline Average for home-based VMT per resident. Even with mitigation, this cumulative impact would remain significant and unavoidable. However, The City of Piedmont has adopted updates to its Transportation Element policies that could help reverse the effects of such impacts. Implementation and monitoring of TDM measures in multifamily projects, implementation and updates to the Pedestrian and Bicycle Master Plans, parking management programs, and other pricing strategies are some of the tools available to jurisdictions to curb VMT generated by projects.

7

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 if you have any questions.

Sincerely,



Colin Dentel-Post  
Principal Planner

cc: Aleida Andrino-Chavez, Associate Transportation Planner

## Letter 4

**COMMENTER:** Colin Dentel-Post, Principal Planner, Alameda County Transportation Commission (ACTC)

**DATE:** December 18, 2023

### Response 4.1

The commenter provides a summary of their understanding of the project.

The commenter's understanding of the project is accurate. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### Response 4.2

The commenter provides an overview of the City's population, location, and land use types.

The commenter's understanding of the project is accurate. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### Response 4.3

The commenter states that the project appears to generate over 100 p.m. peak trips and is therefore subject to review under the Land Use Analysis Program of the Congestion Management Program (CMP). The commenter expresses appreciation for the Draft EIR evaluating impacts on all modes of transportation, and references Appendix G of the Draft EIR and its determination that the project would not result in significant impacts on CMP roadway segments.

As discussed under the Regional Setting in Section 4.14, *Transportation*, of the Draft EIR, the CMP analysis is outside of the CEQA process because it is based on traffic congestion, which cannot be used to identify transportation impacts in CEQA documents per PRC section 21099(b)(2). Thus, the results of the CMP analysis for the proposed project, which is outside of the CEQA process, is provided in Appendix G. As determined in Appendix G, the proposed project would not result in significant impacts on CMP roadway segments. No revisions to the Draft EIR have been made in response to this comment.

### Response 4.4

The commenter expresses appreciation for the use of the ACTC Travel Demand Model for estimation of VMT per capita generated by the city.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, the VMT analysis uses the ACTC Model to estimate the home-based VMT per resident generated by the development facilitated by the proposed project under 2031 (project buildout) and 2040 (cumulative) conditions. No revisions to the Draft EIR have been made in response to this comment.

### **Response 4.5**

The commenter expresses appreciation for the amendment to the General Plan Transportation Element to encourage the use of the ACTC VMT Reduction Calculator Tool and to require residential projects subject to VMT impact analysis to include TDM measures. The commenter also expresses appreciation for the reference to VMT mitigation banks or exchanges as a potential resource for VMT mitigation.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, the proposed project involves amendments to the City's General Plan Transportation Element to add a policy for a quantitative VMT analysis and TDM for future projects that do not screen out from VMT impact analysis. No revisions to the Draft EIR have been made in response to this comment.

### **Response 4.6**

The commenter states that Grand Avenue is a corridor that is on the Countywide Bikeways Network. The commenter states that ACTC has adopted a policy requiring bike infrastructure on the Countywide Bikeways Network to meet an All Ages and Abilities (AAA) standard. Specifically, on Grand Avenue, the AAA standard requires a Class I or Class IV bikeway, which could help improve safety and reduce VMT impacts.

The proposed Housing Element Implementation Project does not include infrastructure improvements or changes to Grand Avenue. Nonetheless, the commenter's opinions regarding improvements to Grand Avenue are noted and will be forwarded to City decision-makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

### **Response 4.7**

The commenter states that according to the Draft EIR, cumulative VMT impacts would remain significant and unavoidable but that the City has adopted updates to its Transportation Element that could help reverse the effects of such impacts.

The commenter's summary of the conclusions of the Draft EIR are correct. No revisions to the Draft EIR have been made in response to this comment.

**From:** Susan Garbarino <email address redacted>  
**Sent:** Friday, December 01, 2023 8:02 AM  
**To:** Piedmont Is Home <[piedmontishome@piedmont.ca.gov](mailto:piedmontishome@piedmont.ca.gov)>  
**Subject:** Moraga Canyon specific plan comments

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Hello,

I'd like to make some additional comments now that I have attended the Nov 30th community meeting.

I live in Upper Rockridge near the site and use Moraga Way frequently. I think it is imperative that Piedmont work with the City of Oakland regarding these plans as they will affect the surrounding neighborhoods. I didn't hear that this was happening at the meeting last night.

1

My two main concerns are traffic and environmental safety. This is a very tight spot that already receives more traffic than it can bear. It is dark, curvy, prone to flooding, and surrounded by fuel for fires in the midst of a thickly settled area that has a history of wildfires.

I was impressed by the presentation and plans last night. Most of my concerns are being considered. However, the proposed light at Red Rock (that "will be green most of the time" according to the presenter) didn't sound adequate. We need a light at the intersection of Harbord and Moraga. I realize that this is actually in Oakland, but it cuts between Piedmont and Oakland and must be considered. It is already a very dangerous intersection. I have witnessed more than one accident there. I will write to my City Councilperson to let her know this suggestion as well.

2

Regarding which plan I would prefer and why:

I strongly prefer Option three because it would change the current look and feel of the canyon the least. It provides some open space, allows for corporation yard access to Moraga, keeps Coaches field largely as it is while providing attractive housing set back from the road. It also looked like one of the least expensive options.

I strongly dislike Option one as it would completely change the character of the canyon with 14 proposed 4 story buildings replacing Blair park. I think this would be unattractive, less safe and a shame to lose what little natural space Piedmont has.

Thank you for reading this email and noting my concerns.

Regards,  
Susan Garbarino



## Letter 5

**COMMENTER:** Susan Garbarino

**DATE:** December 1, 2023

### Response 5.1

The commenter states that she uses Moraga Avenue frequently and requests that Piedmont work with the City of Oakland in regard to the proposed project. The commenter expresses concerns related to traffic and environmental safety, generally citing flooding, fire danger, road congestion and road configuration.

Pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS). Nonetheless, as discussed under Impacts T-1 and impacts T-3 through T-4 in Section 4.14, *Transportation*, of the Draft EIR, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities; would not substantially increase hazards due to a design feature or incompatible uses; and would not result in inadequate emergency access. As discussed under Impact T-2, the proposed project would result in a significant and unavoidable impact related to VMT even with implementation of a new policy to the Piedmont General Plan which would require VMT analyses and incorporation of TDM programs for future development projects to reduce VMT. No other feasible mitigation measures beyond these policies and what is required by existing General Plan policies have been identified, and the Draft EIR identified mitigation to reduce impacts to the extent feasible.

Impacts related to flooding are discussed under Impact HYD-3 in Section 4.9, *Hydrology and Water Quality*, of the Draft EIR. As discussed in Section 4.9, there are no portions of Piedmont located within the flood hazard zones as mapped by the Federal Emergency Management Agency. Future development in the Moraga Canyon Specific Plan (MCSP) Area could potentially alter the existing drainage patterns through the introduction of new impervious surfaces and infrastructure, which could potentially lead to flooding. Alternately, future development in the MCSP Area could alter the existing drainage patterns or introduce additional stormwater infrastructure that could alleviate current flooding or ponding that may occur in the MCSP Area under existing conditions. At this time the MCSP is being prepared, an exact site plan has not been proposed. Nonetheless, future development in the MCSP Area would be required to comply with the following: the NPDES Construction General Permit; NPDES MS4 General Permit; the MRP; and the PCC Sections 1805.4.3, 8.12.030, 30.10, and 30.11, which would control stormwater runoff and prevent flooding on- or off-site. Therefore, impacts related to flooding were determined to be less than significant.

Impacts related to wildfire are discussed under Impacts W-1 through W-5 in Section 4.17, *Wildfire*, of the Draft EIR. As shown on Figure 4.17-1, the MCSP Area is not within a very high fire hazard severity zone (VHFHSZ); however, there are areas within Piedmont and nearby in Oakland that are within a VHFHSZ. As discussed in Section 4.17, even with compliance with Mitigation Measure W-1, existing city regulations, and implementation of the City of Piedmont’s requirement for Fire Protection Plan, which would reduce the potential to exacerbate wildfire risk, impacts may still result from the potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in Piedmont. Additionally, by increasing the population of land within the VHFHSZ, more

people would be directly threatened, and evacuation and firefighting efforts would be further challenged when a fire occurs. Therefore, impacts related to wildfire were found to be significant and unavoidable.

No revisions to the Draft EIR have been made in response to this comment.

## **Response 5.2**

The commenter provides opinions about the design of the MCSP. The commenter states an opinion that the proposed traffic light at Red Rock Road did not sound adequate and requests a traffic light at the intersection of Harbord Drive and Moraga Avenue. The commenter expresses preference for Option 3 for land uses in Moraga Canyon as presented at a community workshop on November 30, 2023. The commenter expresses dislike of Option 1 presented at the same community workshop based on how it would change the character of the canyon.

The commenter's opinions regarding design and development of the MCSP are noted and will be forwarded to City decision-makers for consideration. This comment alludes to the November 30 community meeting and relates to the merits of the project rather than the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

Letter 6

**From:** Bruce Joffe <email address redacted>  
**Sent:** Monday, December 11, 2023 4:07 PM  
**To:** Kevin Jackson <kjackson@piedmont.ca.gov>  
**Cc:** editors@piedmontcivic.org; Gray Cathrall <news@piedmont-post.com>; Piedmonter <ccnpiedmont@bayareanewsgroup.com>; City Council <CityCouncil@piedmont.ca.gov>  
**Subject:** An open letter to Planning Director Kevin Jackson

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Dear Director Jackson,

I attended the November 30 community workshop about the proposed Moraga Canyon housing project. You and I spoke about several issues, and you welcomed me to send you follow-up observations. I am concerned about the project's isolation, the low-income residents' separation, and the willingness of the project's managers to incorporate community feedback into the plans.

1

The first part of the community meeting was a presentation by City staff and the project planning consultants to describe the project and its four options. Then, the assembled people were invited to speak one-on-one to various project team members at poster-board stations along the perimeter of the room. No opportunity was given for workshop attendees to question the project planners as a group. General questions about the overall nature of the project would not be answered by staff personnel who were designated to discuss specific options at individual poster-board stations. This gave me and several other people the feeling that the City isn't really interested in hearing and addressing our concerns.

I am concerned about the isolation of the 132 new units planned for the Moraga area. There is no "urban fabric" connecting that location with the rest of Piedmont, except for the heavily-trafficked Moraga Ave. Walkers or bike riders would not see other Piedmont houses for over a quarter mile. Isolation may be a more severe problem for residents of the 60 subsidized units who may not have cars available for both going to work and for shopping or going to school. This problem could be mitigated if the City were to operate a shuttle bus, similar to the shuttles that Emeryville operates to and from the MacArthur BART station. A Piedmont shuttle could take residents down Moraga, along Piedmont Ave., across MacArthur to Grand Ave., up Grand to Oakland Ave., up Oakland to the City Center, and then along Highland back to Moraga. Connection to the BART station might even be included in the route. The City could operate the shuttle for the first five years, and then evaluate whether the amount of ridership justifies continuing, perhaps with support from passenger fees. This solution was mentioned when we spoke at the meeting, Mr. Jackson, so I am reminding you now and requesting that it be given serious consideration.

2

A more serious problem is the planned separation of the below-market units from the market-rate units. This is a terrible idea that will have dangerous consequences. It would create a low-income "ghetto" in the midst of high-income housing. Low-income residents would be stigmatized whenever there was a problem like graffiti, or trash, or theft. The higher-income

3

residents would instinctively blame any grime or crime on "those people" living in the separate, nearby buildings. Numerous studies have shown that when lower-income people are physically integrated into a higher-income housing project discrimination is minimized. Indeed, the lower-income residents become better integrated into the community, and their own economic circumstances improve faster than those living in separated housing.

While you agreed that integration was a good idea, Mr. Jackson, you contended that separation was necessary because the subsidized housing had to be built as a separate project. This was not my experience when I developed housing for low and moderate income people, financed by both Federal and State programs, a few decades ago. Section 8's below-market rental housing units were part of a larger market-rate project financed through HUD (the U.S. Department of Housing and Urban Development). There was no physical difference between the rental units. A local non-profit corporation bought the project from a for-profit developer who gained the tax-shelter benefits from selling designated subsidized units at below-market rates.

In Piedmont's project, some of the 132 units could be sold to individuals (72 at market rate, 60 at below-market rate), with unsold units being sold to a non-profit agency which would rent the market-rate units and the subsidized units together, with no physical distinction among the units. They would be seamlessly included within the 132-unit project. No ghetto. No separation. There are many different ways to finance such mixed-income projects - direct subsidies, tax credits, a combination of county, State and Federal funding, perhaps even some philanthropy.

We discussed this possibility at the community meeting and you asserted that an integrated project was not feasible; there would have to be two separate projects. I implore you to go back and investigate State and Federal subsidy programs more thoroughly. Creating a new housing community that separates residents by their economic status creates a danger that will cost our City financially and socially in the decades to come.

I hope you, the planning consultants, and the City Council act on these concerns productively, and demonstrate that you do respond to community residents' feedback.

Sincerely,  
Bruce Joffe  
902 Rose Ave.  
Piedmont, CA 94611  
510-508-0213

## Letter 6

**COMMENTER:** Bruce Joffe

**DATE:** December 11, 2023

### Response 6.1

The commenter states that he attended the November 30 community workshop regarding development of the MCSP and expresses concerns regarding the Plan Area location, the low-income residents' separation, and the willingness of project managers to incorporate community feedback into the plans. The commenter expresses discontent with the November 30 community meeting and expresses an opinion that the City is disinterested in listening to and addressing concerns.

The commenter's opinions regarding design and process for development of the MCSP are noted and will be forwarded to City decision-makers for consideration. This comment alludes to the November 30 community meeting regarding the MCSP and does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### Response 6.2

The commenter expresses concern regarding the location of the 132 units planned for the MCSP Area. The commenter suggests that the "isolation" would be an issue for residents that may not own vehicles. The commenter recommends that the City operate a shuttle bus service which could also connect to a BART station. The commenter suggests that the shuttle could operate for five years and then for the City to reevaluate whether the service should be continued.

Please refer to Response 6.1. The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. As discussed under Impact T-1 in Section 4.14, *Transportation*, of the Draft EIR, there is currently no bus transit service provided along the segment of Moraga Avenue within the MCSP. However, provision of additional residential development along the Moraga Avenue corridor could incentivize future bus service along the corridor because higher density development can increase bus ridership and make provision of bus service along the corridor more viable. Additionally, as discussed in Section 4.14, one of the goals of the MCSP is to improve bicycle and pedestrian connectivity in the MCSP Area. Thus, potential modifications in the public right-of-way would benefit bicyclists and pedestrians and would therefore not conflict with policies applicable to bicycle and pedestrian facilities and service. Additionally, the MCSP would be designed not to conflict with applicable City of Piedmont guidelines, standards, and specifications related to transit, roadway, bicycle, or pedestrian facilities. No revisions to the Draft EIR have been made in response to this comment.

### Response 6.3

The commenter expresses disapproval of the potential separation of below-market units from market-rate units in the MCSP. The commenter recommends for some of the 132 units to be sold to individuals, with unsold units sold to a non-profit organization which would rent the market-rate units and the subsidized units together, with no physical distinction among the units. The commenter lists ways to finance mixed-income projects. The commenter requests that the City investigate State and federal subsidy programs more thoroughly.

Please see Response 6.1. The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

To: Kevin Jackson, Planning & Building Director, City of Piedmont

From: Garrett Keating

I am submitting the follow comments and questions regarding the Draft Environmental Impact Report (Draft EIR) for 2023-201 Housing Element Implementation project.

Aesthetics

How is the impact of the Housing Element on privacy assessed in the EIR? Privacy is a stated criteria in both Chapter 17 and the City Code. It may not be considered for ADU development but how is the impact on privacy assessed by other developments and programs called for in the Housing Element?

1

How were Thresholds 1 and 3 applied to development in Moraga Canyon? There are clear public vistas of this canyon from public spaces within Piedmont as well as roadways and there are vistas of this area from the surrounding hills. It is clearly the most natural wildland accessible to the public within Piedmont that provides valuable public views. How is Piedmont classified as an “urban area”? Is this an official designation under CEQA?

2

Air Quality

Table 4.2-3 seems unintelligible. Footnotes reference NOS and ROG but those terms do not appear in the table.

3

This section should explain in greater detail how the increase in VMT for the project is less than the project’s projected population increase. There is reference to BAAMD guidance for this, but the document should explain this methodology in greater detail. In particular, what if any assumptions about vehicle use by the new population are used in this assessment? What is the specific population increase value that was used in this calculation?

4

Correction to Table 4.2-6: “The City has adopted a Reach Code (PCC Section 8.02.070) for the purpose of encouraging the incorporation of energy efficient measures in new development.” The REACH codes are a **requirement** for new and remodeled projects that reach cost thresholds.

5

Correction to text: “Additionally, Moraga Avenue is a designated Class III bicycle lane, which connects to Highland Avenue, another Class III bicycle lane.” Moraga Avenue may be designated as a bicycle but lane a contiguous bicycle lane identified by striping from Highland Avenue to the possible housing sites in the canyon does not exist. Sections of the street are striped but the most hazardous section between Highland and Redrock Road are not designated with lines. Suggest “Additionally, **sections** of Moraga Avenue...”

6

## Biological Resources

Threshold 1: The EIR indicates that habitat for sensitive species may be lost or disturbed by development in the MCSP but concludes “adherence to existing and proposed General Plan policies and other applicable regulations, impacts would be less than significant.” Existing and proposed General Plan guidelines are intended to protect/preserve habitat for sensitive species so it’s specious to say habitat loss by MCSP is less than significant. The EIR should undertake a more detailed analysis of habitat loss and propose mitigations.

7

Threshold 4: from the “The urban nature of Piedmont and surrounding City of Oakland precludes the MCSP Area as a wildlife movement corridor.” This statement is inaccurate given the presence of species such as mountain lions and coyotes that have been observed in MC as well as other areas of Piedmont and nearby Oakland and Berkeley. The EIR should provide a more detailed analysis of the documented species in the area before claiming MC is not a wildlife corridor.

8

Threshold 5: “Development within the MCSP Area would not conflict with Piedmont policies or ordinances protecting biological resources.” This statement is false, given the following policies stated as stated in the General Plan (and referenced in this section of the document):

Policy 13.1: Respecting Natural Terrain. Maintain the natural topography of Piedmont by avoiding lot splits and subdivisions that would lead to large-scale grading and alteration of hillsides. Planning and building regulations should ensure that any construction on steep slopes is sensitively designed and includes measures to stabilize slopes, reduce view blockage, and mitigate adverse environmental impacts.

Policy 13.2: Erosion Control. Reduce soil loss and erosion by following proper construction and grading practices, using retaining walls and other soil containment structures, and development control measures on very steep hillsides.

9

Policy 13.3: Creek Protection. Retain creeks in their natural condition rather than diverting them into manmade channels or otherwise altering their flow. Riparian vegetation and habitat along the city’s creeks should be protected by requiring setbacks for any development near creek banks. These setbacks should be consistent with state and federal laws governing stream alteration.

Policy 13.4: Conserving Native Vegetation. Require new development (including expansion of existing residences and major landscaping projects) to protect native vegetation, particularly woodland areas that support birds and other wildlife.

The EIR fails to account for each of these potential geographic impacts. It should specifically address Policy 13.4 and acknowledge that the project conflicts with this local policy, particularly as it pertains to MCSP. The EIR acknowledges that trees, other vegetations and soils will be removed from Moraga Canyon – why does this not conflict with Policy 13.4?

Threshold 6: The Sustainability Element of the General Plan constitutes a natural community plan (Policy 13.4 references woodland areas). Why is this policy not considered a habitat

10



conservation plan or a natural community conservation plan? Policy 13.4 particularly calls out native woodland areas that support birds and other wildlife. The oak woodland in Blair Park is the largest such area on public land in Piedmont.

10, cont.

#### Cumulative Impacts:

“Therefore, the proposed project’s initial and then incremental contribution to cumulative impacts to biological resources through implementation of future development projects would not be cumulatively considerable, and cumulative impacts would be less than significant”. This conclusion may apply to Piedmont as a whole but given potential for habitat loss in MCSP acknowledged in the EIR and the stated policies of the Piedmont General Plan, the EIR should acknowledge that the projects in the MCSP conflict will biological resource conservation called for in the General Plan.

11

#### Green House Gases

The cumulative impacts from GHG emissions of the project are significant and would be even more so if realistic assessment of Piedmont’s GHG sources and potential for mitigation were accounted for. Table 4-7.1 provides GHG emission estimates associated with the project for the different sectors. Transportation estimates (mobile, 5,890) swamp that of residential (energy, 825) which is seems unlikely given the CAP estimates that show these two sectors have equal GHG emissions (approximately 15,000). What assumptions about energy use in the new 1,047 units were used to derive the 825 MT CO2 estimate in Table 4-7.1? Why is there such a large discrepancy between transportation and energy emissions for the proposed project?

12

The only realistic mitigations offered in the EIR for this increase in GHG seem to be based mainly on transportation:

“All housing sites would be within a one mile walk to a bus stop, with the exception of development in the northern most corner of the city in MCSP Area which is located approximately 1.2 miles from the nearest bus stop. Nonetheless, most future development in the city would be within walking or bicycling distance to the nearest bus stop and to other goods and services which may reduce reliance on single occupancy vehicles and thereby VMT.”

13

The effectiveness of this mitigation is highly questionable. Ridership now on the 33 and 12 bus lines is a good indicator of what ridership might be for the new housing and those lines are highly underutilized, empty for many of the run through Piedmont. Bicycling or walking to goods and services given Piedmont’s topography is highly unlikely. This is especially true for the Moraga Canyon sites and those sites should be identified as having a more significant GHG impact than the other housing sites – vehicle travel and energy usage from the canyon sites are much greater than the other multifamily sites. Finally the project should be found to be inconsistent with Piedmont’s General Plan and in particular the Climate Action Plan. Transportation emissions for the 1,045 new units is estimated to be 5,890 MT CO2 whereas current transportation estimates for Piedmont’s 4,000 units are 15,115 MT CO2. That is a 39% increase in GHG transportation emissions in Piedmont and thus the project should be found to be inconsistent with city policies intended to reduce GHG emissions.

14

## Public Service and Recreation

Impact PS-4 claims that Piedmont has 59 acres for parks and is above the state baseline standard of acres per every 1000 residents. Does that conclusion account for that fact that at least a third of Piedmont's park acreage is virtually unusable by residents due to the steep slopes in many areas of the city parks? And does definition of parks presented here include recreation space? During the consideration of a soccer field at Blair Park, city staff claimed that recreational space for Piedmont is below the baseline recommended by professional organizations. How would the conversion of Blair Park to housing affect the city's recreational space in comparison to the recommended baselines?

15

Given the constrained state of Piedmont's recreation space, did the EIR consider the impact of the projected population growth on the community's access to in-town recreation space as well as outside of Piedmont?

16

## Transportation

The EIR concludes that the project has significant and unavoidable impacts on transportation. The City will apparently institute reviews of proposed projects to mitigate these impacts on a case by case basis:

"Individual housing project developments that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis consistent with the City's adopted Policy for Analyzing VMT Impact under CEQA, and modified as necessary to be consistent with local, regional and/or State thresholds and methodologies. Development projects that result in significant VMT impacts shall include one-time physical and ongoing operational travel demand management (TDM) measures to reduce VMT".

The EIR goes on to claim that transportation measures will reduce VMT to below significant levels but concludes:

"However, since the location, size, and characteristics of individual development projects that would be facilitated by the proposed Housing Element Implementation project (including the MCSP), as well as the specific mitigation measures that would be implemented at each of these future developments cannot be known at this time, this analysis cannot determine the effectiveness of the above measures in reducing the proposed project's VMT impact to a less than significant level. Thus, the impact would be significant and unavoidable."

17

Of all the multi-family sites considered in the project, the Moraga Canyon sites have the greatest potential to increase VMT. The sites are the furthest from public transit, bicycle access to the area is hazardous and the sites are not conducive for pedestrian access to goods and services. Yet the EIR concludes that with bicycle, pedestrian, and traffic safety, the site will not have a significant impact on VMT. This conclusion is unsupported without more detailed analysis of how the interventions will make these problematic sites safe. Previous traffic safety studies for the soccer field at Blair Park found driveways to be unsafe without significant reduction in vehicles speeds.

## Letter 7

**COMMENTER:** Garrett Keating

**DATE:** December 17, 2023

### Response 7.1

The commenter asks how the potential impact of the project on privacy is assessed in the EIR and notes that privacy is a criterion in several instances for project review in the Piedmont City Code.

Privacy is not an environmental issue pursuant to CEQA and is therefore outside of CEQA's purview. Nonetheless, decision-makers may choose to consider issues such as buffers, landscaping, and screening for nearby residents when making a decision on future development under the proposed project. No revisions to the Draft EIR have been made in response to this comment.

### Response 7.2

The commenter asks how CEQA thresholds 1 and 3 were applied to development in the MCSP Area. The commenter states there are public vistas of the canyon from public spaces in Piedmont and vistas from the surrounding hills. The commenter asks how Piedmont is classified as an "urban area."

As explained under Impact AES-1 in Section 4.1, *Aesthetics*, of the Draft EIR, a scenic vista is a view from a public place (roadway, designated scenic viewing spot, etc.) that is expansive and considered important by a jurisdiction or a community. The Piedmont General Plan indicates that views of the San Francisco and Oakland skylines, Lake Merritt and San Francisco Bay, the Bay and Golden Gate Bridges, and surrounding hills, canyons, and geological features are available in Piedmont and should be protected. The General Plan does not provide more specific information or list key viewpoints or viewing areas within Piedmont that are designated as protected.

Within the MCSP Area the only views available are limited views of Oakland and the San Francisco Bay from the southwestern boundary of the Kennelly Skate Park during clear conditions. Other than that limited view, other views within Moraga Canyon are limited to hillsides and vegetation, and there are no designated scenic views or vistas available through the MCSP Area. While some public views of the canyon from the surrounding area and views from the MCSP Area may be available, generally, views of the canyon as a whole are limited or are intermittent as they are generally blocked from public viewpoints by terrain, intervening structures, or trees. Therefore, expansive and City-designated important views are not available and would not be substantially adversely affected by development in the MCSP Area.

As explained under Impact AES-3 in Section 4.1, *Aesthetics*, of the Draft EIR, based on the criteria set forth under CEQA Statute Section 21071(a)(2), Piedmont meets the definition of an "urbanized area" because it is an incorporated city and the population of Piedmont combined with the population of a contiguous incorporated city (Oakland) equals at least 100,000 persons. Therefore, the analysis for the threshold discussed under Impact AES-3 is based on if the proposed project would conflict with applicable zoning and other regulations regarding scenic quality. The proposed project was found not to conflict with applicable regulations regarding scenic quality, and this impact would be less than significant. No revisions to the Draft EIR have been made in response to this comment.

### Response 7.3

Regarding Table 4.2-3 in Section 4.2, *Air Quality*, of the Draft EIR, the commenter notes that the footnote references NOX and ROG but those terms do not appear in the table.

In response to this comment, the footnote to Table 4.2-3 has been revised to delete the references to NOX and ROG. Please see Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### Response 7.4

The commenter states an opinion that the Air Quality section of the Draft EIR should explain in better detail how the increase in vehicle miles traveled (VMT) for the project is less than the project's population increase. The commenter asks what assumptions about vehicle use by the population are used in the assessment and what is the specific population increase.

Table 4.2 7 in Section 4.2, *Air Quality*, of the Draft EIR summarizes the net increase in population versus VMT based on VMT modeling performed by Fehr & Peers. As explained in that section, the BAAQMD threshold for the analysis considers if the rate of VMT increase is less than the rate of population increase. In this case, the population would grow by 20 percent under the proposed project, whereas VMT would increase by 14 percent. Because the VMT associated with project buildout would not exceed the rate of increase from the forecast population, this impact would be less than significant. As also explained in Section 4.2, VMT is projected to increase at a lower percentage than population because the proposed project overall would facilitate residential growth in proximity to jobs, services, and transit which may reduce singular vehicle trips and encourage alternative models of travel. No revisions to the Draft EIR have been made in response to this comment.

### Response 7.5

The commenter suggests a correction to Table 4.2-6 to state that the City's Reach Code is a requirement for new and remodeled projects that reach cost thresholds.

While the commenter's suggestion is acknowledged, as noted in Section 4.7, *Greenhouse Gas Emissions*, the ability to regulate all electric development has been affected by the recent Ninth Circuit decision in *California Restaurant Association v. City of Berkeley*, which found that cities cannot ban natural gas appliances. Therefore, at this time, the commenter's suggestion to note that the Reach Code is required for new development has not been added.

### Response 7.6

The commenter suggests that the language be clarified on Page 4.2-16 in Section 4.2, *Air Quality*, to explain that only sections of Moraga Avenue are designated as a Class III bicycle lane.

In response to this comment, clarifying revisions have been made to this text. Please see Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### Response 7.7

Referring to the analysis in Section 4.3, *Biological Resources*, of the Draft EIR, the commenter states an opinion that its specious to say habitat loss in the MCSP Area would be less than significant and

suggests that the EIR should undertake a more detailed analysis of habitat loss and propose mitigation.

As explained in Section 4.3, a site-specific analysis for the MCSP Area was conducted. The analysis for the MCSP Area included a reconnaissance-level pedestrian survey and desktop research regarding mapped, known, and potential locations of sensitive communities, special-status plants and wildlife, and habitat for special-status plants and wildlife. The analysis found that habitat for special-status plants is not present and special-status plants are not likely to be present in the MCSP Area. However, special status wildlife such as nesting birds, roosting bats, or the San Francisco dusky-footed woodrat may be present in the MCSP Area. Therefore, it is anticipated that future development in the MCSP Area would be required to comply with proposed new citywide General Plan policies related to nesting bird protection, bird safe design, roosting bats, and the San Francisco dusky-footed woodrat. The commenter does not provide specific information on potential biological resources of concern to provide a more specific response. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.8**

Referring to the analysis in Section 4.3, *Biological Resources*, of the Draft EIR, the commenter states an opinion that it is inaccurate that the MCSP Area is not a wildlife movement corridor because mountain lions and coyotes have been observed. The commenter suggests that the EIR should provide a more detailed analysis of the documented species in the area.

Please see Response 7.7. As explained in Section 4.3, one essential connectivity area (ECA) is mapped east of Piedmont outside of city limits. This ECA, as a part of the bay area hills, may serve as a movement corridor for the State provisionally protected mountain lion. The California Department of Fish and Wildlife characterizes the value of ECAs based on permeability to wildlife movements. The edges of the nearest connectivity area become increasingly less permeable as they extend toward Piedmont and developed areas of Alameda County. Therefore, the MCSP Area is not considered a wildlife movement corridor for the mountain lion. Coyotes are not considered a special-status species and are not considered in this analysis. For the MCSP Area, based on the pedestrian survey conducted by a qualified biologist and other research, the MCSP Area was not found to provide a substantial functional movement corridor for special-status wildlife. The commenter does not provide additional substantial evidence to support that the MCSP Area is a significant wildlife movement corridor. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.9**

The commenter disagrees with the conclusions of the Draft EIR that development within the MCSP Area would not conflict with Piedmont policies or ordinances protecting biological resources and lists several General Plan policies including Policy 13.1 (Respecting Natural Terrain), Policy 13.2 (Erosion Control), Policy 13.3 (Creek Protection), Policy 13.4 (Conserving Native Vegetation).

The commenter does not provide evidence to explain why implementation of the MCSP Area would conflict with the listed General Plan policies. As discussed in Sections 4.3, *Biological Resources*, and Section 4.6, *Geology and Soils*, of the Draft EIR, impacts related to biological resources (including waterways such as creeks), special-status plants, and erosion were found to be less than significant. See also responses 7.7 and 7.8. No revisions to the Draft EIR have been made in response to this comment.

## Response 7.10

The commenter states an opinion that the Sustainability Element of the General Plan constitutes a natural community plan and asks why this policy is not considered a habitat conservation plan or natural community conservation plan.

The Sustainability Element of the General Plan is not considered a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan pursuant to Threshold 6 of Appendix G to the *CEQA Guidelines* as listed in Section 4.3, *Biological Resources*, of the Draft EIR. The types of plans analyzed under this threshold include Habitat Conservation Plans prepared pursuant to Section 10(a)(1)(B) of the Endangered Species Act, Natural Community Conservation Plans prepared under the California Department of Fish and Wildlife's Natural Community Conservation Planning program, or other adopted plans to protect special-status biological resources. While the General Plan includes policies to protect habitat, this does not meet the criteria under Threshold 6. No revisions to the Draft EIR have been made in response to this comment.

## Response 7.11

Referring to the cumulative impact analysis in Section 4.3, *Biological Resources*, of the Draft EIR, the commenter states an opinion that given potential habitat loss in the MCSP Area, the EIR should acknowledge that projects in the MCSP Area will conflict with biological resource conservation called for in the General Plan.

The cumulative impact analysis examines impacts citywide as explained in Section 4.3 and as explained in the cumulative setting described in Section 3, *Environmental Setting*, of the Draft EIR. Please see Response 7.9 and 7.10 regarding potential conflicts with resource conservation policies in the General Plan. No revisions to the Draft EIR have been made in response to this comment.

## Response 7.12

The commenter states an opinion that the cumulative impacts from GHG emissions would be significant, and that it seems unlikely to them that transportation emissions would be higher than energy emissions given that City's Climate Action Plan estimates show these sectors have equal GHG emissions. The commenter asks what assumptions for energy use were used in Table 4.7-1 and why there is such a large discrepancy.

As explained in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, total GHG emissions shown in Table 4.7-1 for future development under the proposed project are provided for informational purposes, as quantification of GHG emissions is not required under the Bay Area Air Quality District's (BAAQMD) updated 2022 CEQA thresholds that were used for the analysis. The analysis is based on the proposed project's consistency with BAAQMD's building and transportation design elements thresholds, which are not quantitative thresholds. As shown in Table 4.7-1, emissions associated with mobile sources were found to be 5,890 metric tons of CO<sub>2</sub>e per year whereas energy emissions were found to be 825 metric tons of CO<sub>2</sub>e per year.

Electricity-generated emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour. Future development in Piedmont would be served by Ava Community Energy. Therefore, Ava's specific energy intensity factors (i.e., the amount of CO<sub>2</sub>e per megawatt-hour) are used in the calculations of GHG emissions. Ava offers 100 percent carbon-free energy which reduces emission associated with energy use. Mobile source emissions consist of emissions generated by vehicle trips associated with new residential uses that could be developed under the proposed project and were based on default the conservative assumptions in the CalEEMod

Version 2022.1 model. While the percentage of emissions from mobile and energy sources may differ from those of the Climate Action Plan, as explained in Section 4.7, Table 4.7-1 is provided for informational purposes and does not form the basis of the analysis. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.13**

The commenter includes a quote from Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR and states that the only mitigation offered for the increase in GHG is based on transportation. The commenter suggests that the effectiveness of the mitigation is questionable as it is unlikely there would be bicycling and walking to goods and services and that transit is underutilized. The commenter states this would be especially true for the MCSP Area.

The commenter is referring to text on Page 4.7-22 of the Draft EIR related to project consistency with the 2022 Scoping Plan. As explained on that page, there are several reasons listed why the proposed project would not conflict with the 2022 Scoping Plan. While the commenter's opinions that bicycling and walking would not occur and transit is underutilized are noted, the proposed project would facilitate housing in places with access to pedestrian and bicycling facilities and with access to transit in most places in the City. As explained in the Draft EIR, this may reduce reliance on single-occupancy vehicles. Overall, the proposed project was found not to conflict with the 2022 Scoping Plan for all the reasons listed on Page 4.7-22. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.14**

The commenter suggests that the project should be found to be inconsistent with the Climate Action Plan because of the increase in transportation-related GHG emissions.

As explained in Section 4.7 of the Draft EIR, the analysis of consistency with the City's Climate Action Plan is not based on a quantitative analysis of GHG emissions as the City's CAP does not contain a numeric threshold from which to base the analysis. The analysis related to consistency with the City's Climate Action Plan is based on consistency with applicable strategies and goals. As shown in Table 4.7-4 of the Draft EIR, development facilitated by the proposed project would be generally consistent with these goals of the CAP and therefore the project was found to be consistent with the CAP. No revisions to the Draft EIR have been made in response to this comment. Nevertheless, the comment is noted and will be forwarded to the City's decision makers for consideration.

### **Response 7.15**

The commenter asks if the 59 park acres described in Section 4.13, *Public Services and Recreation*, of the Draft EIR takes into account that at least a third of Piedmont's park acreage is "unusable by residents due to the steep slopes in many areas of the parks." The commenter also asks if the definition of parks includes recreation space. The commenter also asks how the conversion of Blair Park to housing would affect the city's recreational space in comparison to the baseline.

The commenter does not provide evidence to support the claim that a third of Piedmont's park acreage is unusable; however, it is acknowledged that some of the City's parks and open space include steep slopes. The Draft EIR is based on information in the City's General Plan and was confirmed by Piedmont Recreation Department staff. The total acreages of parks does include recreational space such as the Kennelly Skate Park. As discussed under Impact PS-4 in Section 4.13, *Public Services and Recreation*, future development in the MCSP Area could result in a reduction of acreage of the parks

and recreational facilities in the MCSP Area. Conservatively assuming that virtually all of the facilities are removed and replaced with housing, the removal of these two facilities would result in a decrease of approximately 7.5 acres of parkland within the city. With this change, the park to resident ratio in Piedmont would decrease to approximately 3.7 acres per 1,000 residents (51.5 remaining acres of parkland for a projected 2031 population of Piedmont is 13,727), which is still above the State standard. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.16**

The commenter asks if the EIR considered the impact of population growth on the community's access to in-town recreation space as well as those outside of Piedmont.

Impact PS-4 in Section 4.13, *Public Services and Recreation*, assesses impacts associated with the population growth under the proposed project and effects on parks and recreation areas within Piedmont. The analysis in the Draft EIR is based on the ratio of park acreage within Piedmont relative to Piedmont's population and takes into account population growth facilitated by the proposed project. The analysis found that impacts related to Piedmont's parks and recreational facilities would be less than significant. As acknowledged in the Draft EIR, Piedmont is within and a member of the East Bay Regional Parks District (EBRPD), and EBRPD facilities in the vicinity of Piedmont include Lake Temescal, Anthony Chabot Regional Park and Redwood Regional Park in Oakland and Tilden Regional Park in Berkeley. In addition, Piedmont residents may also recreate at Lake Merritt, Joaquin Miller, and Knowland public parks, which are facilities owned and operated by the City of Oakland. Use of EBRPD and local facilities outside of Piedmont by Piedmont residents may further reduce impacts related to Piedmont's parks and recreational facilities. No revisions to the Draft EIR have been made in response to this comment.

### **Response 7.17**

The commenter summarizes the conclusions of Section 4.14, *Transportation*, of the Draft EIR. The commenter states that the MCSP Area has potential to increase VMT because it is far from transit, bicycle, and pedestrian access. The commenter states an opinion that the Draft EIR conclusion that the site would not have a significant impact on VMT is unsupported.

Contrary to the statement of the commenter, the Draft EIR concludes that future development in the MCSP Area could result in a significant impact related to VMT. While the Draft EIR acknowledges that future development in the MCSP Area may meet one of more of the VMT screening thresholds which could result a less than significant impact, the Draft EIR concludes that because future development may not meet the screening criteria, VMT impacts are presumed to be significant and unavoidable.



December 18, 2023

Kevin Jackson  
Planning and Building Director  
City of Piedmont  
120 Vista Avenue  
Piedmont, California 94611

Dear Mr. Jackson,

I am submitting the following comments on the Draft EIR for the 2023-2031 Housing Element Implementation Project.

1. Page 1-3. EIR State Clearinghouse Number 2009112054 “Moraga Canyon Sports Field Project” should be incorporated by reference and the Housing Element EIR should describe the significant and unavoidable impacts State Clearinghouse Number 2009112054 reports for accessing Blair Park from Moraga Avenue. The Housing Element EIR should call for further study of those impacts as part of the MCSP CEQA assessment (see comment 7 below) or, alternatively, make clear how those impacts would be mitigated, or made worse, by implementation of the Housing Element.

1

2. Page 2-23. If the data in Table 2-4, and in the text describing the table, are correct, more explanation is needed on how the sums were calculated because the addition as presented appears incorrect.

2

3. Page 4.7-21. If the data in Table 4.7-1 are correct, more explanation is needed on how the sum was calculated because the addition as presented appears incorrect.

3

4. Page 4.10-18. The following text needs further explanation because unclear referents make it virtually incomprehensible.

*“...as discussed in Section 4.14, Transportation, impacts related to VMT would be significant and unavoidable. Therefore, although development in the MCSP Area would be inconsistent with transportation policies of the General Plan related to VMT, development in the MCSP Area would generally be consistent with other goals and policies within Plan Bay Area 2050, the Piedmont*

4



*General Plan, and the PCC. As noted above in the “Methodology and Significance Thresholds” section, for an impact to be considered significant, an inconsistency would also have to result in a significant adverse change in the environment not already addressed in the other resource Environmental Impact Analysis Land Use and Planning Draft Environmental Impact Report 4.10-19 chapters of this EIR. This impact is acknowledged in the Transportation section of the EIR as it is a transportation impact. Impacts related to land use would be less than significant.”*

4, cont.

5. Page 4.11-21. The following text appears to confuse traffic volumes with noise volumes (e.g., dBA CNEL measures noise, not traffic) and needs clarification.

*“The conditions of operational roadway traffic noise in the MCSP Area would be similar to those discussed for the Citywide Housing Element Implementation analysis, above. Traffic volumes on streets would not increase by 3 dBA CNEL or more, and, therefore, increases in traffic noise would be less than perceptible. Therefore, development facilitated by an adopted MCSP would not substantially add traffic volumes and would not increase associated traffic noise. Impacts related to increases in roadway noise would be less than significant.”*

5

6. Page 4.13-7. What are the referents for “these two facilities” in the text “Conservatively assuming the facilities are removed and replaced with housing, the removal of these two facilities would result in a decrease of approximately 7.5 acres of parkland within the city?”

6

7. Page 4.14-28. The Draft EIR states

*“Considering that one of the main goals of the MCSP program is to improve bicycle, pedestrian, and traffic safety, new transportation facilities, or improvements to existing facilities associated with projects, such as new or enhanced pedestrian and bicycle facilities along Moraga Avenue, would be constructed based on industry design standards and best practices consistent with the Piedmont City Code (PCC), Public Works Standard Details, and building design and inspection requirements. The PCC’s evaluation of projects’ access and circulation would incorporate analysis with respect to City standards for service to pedestrians, bicyclists, and transit users. For example, potential new driveways on Moraga Avenue or existing driveways or streets that would serve new development would provide adequate*

7

*sight distance as required by General Plan Policy 12.2 (Maintaining Sight Lines). Therefore, the MCSP would result in a less than significant impact to transportation hazards.”*

This poorly drafted text may constrain Council choice of options currently under consideration for the MCSP. Does “PCC” in the second sentence refer to the “Piedmont City Code” as implied by the preceding sentence? Or does it refer to the Piedmont City Council? Presumably not the former because city staff and paid consultants, not city codes, evaluate safety hazards. In fact, city staff and paid consultants have already evaluated the safety of adding entrances to Blair Park from Moraga Avenue. Consultants paid by the City of Piedmont prepared State Clearinghouse EIR Number 2009112054 for the “Moraga Canyon Sports Field Project.” That EIR concluded (page 255) that pedestrians, drivers, and bicyclists entering or exiting Blair Park from Moraga Avenue would encounter “*Significant and Unavoidable*” safety hazards because no location along the park provides the 385-foot site distance Caltrans assumes for safe stopping of vehicles traveling at 35 MPH. More than 15% of vehicles traveling on Moraga Avenue *exceeded* that speed. The Housing Element Draft EIR predicts a 27% increase in Piedmont’s population over the next 7 years and acknowledges (Section 14.4) a *significant and unavoidable* increase in VMT. The 8,000 average daily vehicular trips now on Moraga Avenue will likely exceed 10,000 by 2031. At least 1,500 (more than 1 per minute) of those vehicles will exceed 35 MPH each day making entering and leaving Blair Park, as well driving on Moraga Avenue, exceedingly risky.

The Draft Housing Element EIR asserts, without reference to the earlier EIR, that safety hazards along Moraga Avenue can be deemed “*less than significant*” because adequate sight distance is “*required by General Plan Policy 12.2.*” Policies, of course, cannot mitigate risk unless enforced. If the Council approves the draft EIR as written, the city can comply with the EIR only by enforcing General Plan Policy 12.2. Future Councils would, therefore, have to either deny projects requiring entrance to Blair Park because such entrances would violate General Plan Policy 12.2, or realign Moraga Avenue to provide entrances that comply with General Plan Policy 12.2. But, 3 of the 4 options under consideration for the MCSP require access to Blair Park without requiring realignment of Moraga Avenue. These options would in effect violate General Plan Policy 12.2 and could not be approved under the Draft EIR as written. If the Council anticipates pursuing any of these 3 options, the most prudent course of action now would include (1) amending the Draft Housing Element EIR to acknowledge that EIR Number 2009112054 found significant and unavoidable safety hazards and, (2) requiring further

7, cont.

8

9

study of sight lines on Moraga Avenue as part of the CEQA assessment of the MCSP. This course of action would allow the Council to both comply with CEQA and approve any of the three options by making, if necessary, findings of overriding consideration.

9, cont.

Thank you,



Ralph Catalano

CC Piedmont City Council

## Letter 8

**COMMENTER:** Ralph Catalano

**DATE:** December 13, 2023

### Response 8.1

Referring to Page 1-3 in Section 1, *Introduction*, of the EIR, the commenter states an opinion that the Moraga Canyon Sports Fields Project EIR should be incorporated by reference and the Draft EIR should describe significant impacts from that EIR. The commenter suggests that the Draft EIR should make clearer how the impacts of the Sports Fields EIR would be mitigated or made worse by implementation of the Housing Element.

The Moraga Canyon Sports Fields Project was not implemented. The 2023-2031 Housing Element Implementation Project Draft EIR describes implementation of Housing Element Implementation project as proposed, which differs from the Sports Fields Project. The proposed project does not include the project that was analyzed in the Moraga Canyon Sports Fields Project EIR. The proposed project, which includes implementation of the Housing Element, includes adoption of a Specific Plan in the MCSP Area. The previous EIR is not relevant to this project. Please also see Response 10.1. No revisions to the Draft EIR have been made in response to this comment.

### Response 8.2

Referring to Page 2-23 in Section 2, *Project Description*, of the Draft EIR, the commenter states that the sums in Table 2-4 appear incorrect.

In response to this comment, revisions to Table 2-4 have been made. These changes in text are included in Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### Response 8.3

Referring to Table 4.7-1 in Section 4.7, *Greenhouse Gas Emissions*, the commenter states that the sum appears to be incorrect.

Summing the values in the table adds up to 7,114 metric tons whereas the total presented in the table is 7,115 metric tons. This difference in 1 metric ton is due to rounding. A clarifying footnote has been added to Table 4.7-1 in response to this comment. This change is included in Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### Response 8.4

Referring to Page 4.10-8 in Section 4.10, *Land Use and Planning*, of the Draft EIR, the commenter copies text from the section and says additional explanation is needed because it is “unclear.”

As noted in Table 4.10-4 in Section 4.10 of the Draft EIR, the proposed project would result in a significant and unavoidable VMT impact and therefore the proposed project would be inconsistent with the City’s General Plan Transportation Element Policy 7.3 for reducing VMT. Nonetheless, for considering Land Use and Planning impacts under CEQA, inconsistency with one policy would not in and of itself result in a significant land use impact if the impact is addressed in one of the other resource chapters of the EIR. The impact related to Policy 7.3 is acknowledged in the Transportation

section of the EIR as it is a transportation impact; therefore, in the Draft EIR the unavoidable VMT impact is not considered a significant land use impact. No revisions to the Draft EIR have been made in response to this comment.

### **Response 8.5**

Referring to Page 4.11-21 of Section 4.11, *Noise*, of the Draft EIR, the commenter suggests that the analysis confuses traffic volumes with noise volumes and needs clarification.

In response to this comment, revisions to text on Page 4.11-21 in Section 4.11, *Noise*, of the Draft EIR have been made. These changes in text are included in Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### **Response 8.6**

Referring to Page 4.13-17 of Section 4.13, *Public Services and Recreation*, of the Draft EIR, the commenter asks what the referents are for “these two facilities” in the text “Conservatively assuming the facilities are removed and replaced with housing, the removal of these two facilities would result in a decrease of approximately 7.5 acres of parkland within the city.”

The text on Page 4.13-17 refers to the parks and recreational facilities in the MCSP Area. In response to this comment, clarifying revisions have been made to Page 4.13-17. These changes in text are included in Chapter 3, *Revisions to the Draft EIR*. These text revisions do not affect the findings or conclusions of the Draft EIR.

### **Response 8.7**

Referring to text on Page 4.14-28 in Section 4.14, *Transportation*, of the Draft EIR, the commenter states an opinion that the text may constrain Council choices of options under consideration for the MCSP. The commenter asks if “PCC” refers to the Piedmont City Code. The commenter also explains that the EIR for the Moraga Canyon Sports Fields Project concluded that there would be a significant and unavoidable impact related to safety hazards due to inadequate sight distance.

The commenter is correct that PCC in the referenced sentence refers to the Piedmont City Code. Regarding the previous Moraga Canyon Sports Fields Project EIR, please see Response 8.1 and Response 10.1. Regarding line of sight, as discussed under Impact T-3 of Section 4.14, *Transportation*, of the Draft EIR, each development project would be reviewed and required to be consistent with appropriate regulations and design standards in effect at the time, such as adequate sight lines at new driveways between vehicles entering and exiting the driveways and pedestrians on the adjacent sidewalk, as well as motor vehicles and bicycles on the adjacent street, as required by General Plan Policy 12.2 (Maintaining Sight Lines) and Public Works Standard Details for construction in the public right-of-way. Once a site plan for the MCSP Area has been prepared, the City would review the project in accordance with CEQA and conduct any additional project-specific analysis as required. No revisions to the Draft EIR have been made in response to this comment.

### **Response 8.8**

The commenter states an opinion that General Plan policies cannot mitigate risk unless enforced, and that three of the four options under consideration for the MCSP (as presented at a community workshop on November 30, 2023) may violate General Plan Policy 12.2 and could not be approved under the Draft EIR as realignment of Moraga Avenue, which is not studied in the EIR, may be required to meet the policy.

The commenter does not directly address the findings or conclusions of the Draft EIR but speaks to future development in the MCSP Area. As noted in the Draft EIR, the MCSP is being developed by the City and the exact design details have not been determined at this time. Nonetheless, as also explained throughout the Draft EIR, future development in the MCSP area would be reviewed by the City to ensure consistency with applicable regulations and General Plan policies. Future development in the MCSP Area would also be subject to CEQA review at the time it is proposed. If project components or impacts differ substantially from those studied in the EIR, subsequent CEQA review would be required. No revisions to the Draft EIR have been made in response to this comment, but the commenter's opinions about design options and associated impacts will be forwarded to City decision makers for consideration.

### **Response 8.9**

The commenter states an opinion that if the City Council anticipates pursuing three options for the MCSP area, the Council should (1) amend the Draft Housing Element Implementation EIR to acknowledge that the Moraga Canyon Sports Fields Project EIR found significant and unavoidable safety hazards and, (2) require further study of sight lines on Moraga Avenue as part of the CEQA assessment of the MCSP.

Please see Response 8.1, Response 8.7, and Response 10.1. The commenter's opinions will be forwarded to City decision makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

**From:** Randolph Wu <email address redacted>  
**Sent:** Monday, December 18, 2023 9:01 AM  
**To:** Kevin Jackson <kjackson@piedmont.ca.gov>; Pierce Macdonald <pmacdonald@piedmont.ca.gov>; Sustainability <sustainability@Piedmont.ca.gov>  
**Subject:** Comments on Draft EIR -Recommendation for Additional Mitigation Measures

[EXTERNAL] This email originated from an external source. Please use judgment and caution when opening attachments, clicking links, or responding.

Kevin, Pierce and Alyssa,

Please accept these comments on the draft EIR (DEIR) for Piedmont's Sixth Cycle Housing Element Plan (HE). These comments focus on operational transportation/travel demand management measures (TDM) for impacts GHG-1 Greenhouse Gas Emissions, T-2 Transportation, W-1 Wildfire and their related cumulative impacts.

1

TDM is discussed briefly by one of the City's consultants, Fehr & Peers, starting at pg. 4.14-24, but mitigation measures are not explicitly adopted in the DEIR because the shape and contour of individual projects is not yet fully known. TDM should be considered now in the DEIR; these modern policies should apply to the market rate and mixed income multi-family housing projects planned for the Moraga Canyon specific study area in Zone B as well as Zones C/D. Affordable housing projects and single family ADUs already are eligible for parking exemptions/waivers under State law.

2

*The Moraga Canyon study area could have as much as 2 acres of parking spaces*

As explained in the Nov. 30 Moraga Canyon community workshop, this study area could have as many as six parking lots: 45-90 parking spaces at a redesigned Coaches Field, 15 spaces at a renovated Corporation Yard, 83 spaces for at least one affordable housing building, 107 spaces for up to three market rate multi-family housing buildings and presumably 4 spaces for the two new single family homes. This is a total of 254-299 parking spaces in the Moraga Canyon study area. If one uses the standard estimate of 300 sq. ft. per parking space (stall/aisle/driveway) cars could occupy 90,000 sq. ft., about 2 acres of parking lot space. Note that the space allowed for each car could exceed the living space planned per capita for each individual in an affordable housing project.

3

*Gasoline VMT is one of Piedmont's largest emissions sources which must be mitigated*

We know from the good work of the Planning Department's Sustainability Division that gasoline VMT is one of the City's largest emissions sources - estimated at 35% of 2025 expected emissions. For this reason one of CAP 2.0's primary goals is to "reduce miles traveled in personal gas vehicles." Rincon/Fehr & Peers explain in the DEIR how Piedmont will fall short of the current 15% threshold for reducing VMT in Table 4.14-4 VMT Analysis Summary and in Appendix E 5.9 Operational Mobile Sources. Climate change can be addressed through additional GHG mitigation measures in this DEIR; early adoption of TDM should bring Piedmont closer to the current 15% threshold.

4

*Modern transportation policies should be implemented in Moraga Canyon*

Piedmont should break away from its past planning practices that have favored ample residential parking and free public parking. Innovative parking regulations will lower the additional GHG emissions attributable to Piedmont's new housing projects. At the same time the City will make much better use of limited undeveloped land. HE Programs 1.G and 1.H provide for some reduction of parking requirements in Zones C/D; however, Piedmont can and should do much more in Moraga Canyon due to its unique concentration of parking lots. This is the right time to implement TDM.

5



*Experts have concluded that TDM will mitigate several significant impacts shown in the DEIR*

The attached Handbook issued by the California Air Pollution Control Officers Association (CAPCOA) has several well thought out mitigation measures for local governments to consider. Specifically Piedmont should consider the following measures: (1) **Limit Residential Parking Supply** T-15 at pgs. 122-125, (2) **Unbundle Residential Parking Costs from Property Cost** T-16 at pgs. 126-129 and (3) **Market Price Public Parking** T-24 at pgs. 174-177. These three measures not only will lower GHG emissions but also will mitigate significant transportation/wildfire risk by reducing the number of cars that will park in the Moraga Canyon study area.

TDM would be unprecedented in Piedmont which traditionally has embraced a car-centric culture. This HE is the right time for the City to implement modern parking policies. CAPCOA, an industry association which includes Fehr & Peers, has shown how the above measures can be effective. By reducing overall car traffic they will mitigate the significant impacts for GHG-1, T-2 and W-1. Fehr & Peers is well qualified to advise the City on the efficacy of these measures. The City should adopt TDM in this DEIR and ask Fehr & Peers to calculate the lowered GHG emissions.

#### *Conclusion*

My thanks to the Planning Dept./Rincon/Fehr & Peers for their hard work on the DEIR and technical appendices. It's very important for the City Council to "look before it leaps" as it considers for the **first time** the HE's short and long term environmental impacts.

As Joni Mitchell wrote and sang in Big Yellow Taxi: "They paved paradise and put up a parking lot . . ." With modern parking policies Piedmont will enhance its narrow slice of paradise in Moraga Canyon (and even along Grand Ave.) as it builds a larger, more vibrant community for everyone to enjoy.

Randy Wu  
130 York Drive

**Attachment:** Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, California Air Pollution Control Officers Association, December 2021

## Letter 9

**COMMENTER:** Randy Wu

**DATE:** December 18, 2023

### Response 9.1

The commenter states that their letter focuses on impacts related to greenhouse gas (GHG) emissions, transportation, wildfire, and their cumulative impacts.

Please refer to responses 9.2 through 9.6 for specific responses to comments raised.

### Response 9.2

The commenter expresses an opinion that transportation demand management (TDM) should be considered in the Draft EIR and be applied to market-rate and mixed-income multi-family housing projects planned for the MCSP area in zones B, C, and D.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, the proposed project involves amendments to the City's General Plan Transportation Element to add a policy related to VMT Analysis and TDM measures. The policy requires projects that do not screen out from VMT impact analysis to provide a quantitative VMT analysis and if projects result in significant VMT impacts, they must include ongoing TDM measures to reduce VMT. No revisions to the Draft EIR have been made in response to this comment, but the commenter's suggestions regarding a robust role for TDM measures in future projects under the proposed MCSP and other Housing Element programs will be forwarded to City decision makers for consideration.

### Response 9.3

The commenter states that the November 30 community workshop regarding development of the MCSP included discussions of six parking lots in the MCSP Area for a total of 254 to 299 parking spaces. Using an estimate of 300 square feet per parking space, cars could occupy 90,000 square feet or two acres of parking lot space. The commenter states that the space allowed for cars could exceed the living space planned per capita for each individual in an affordable housing project.

This comment does not pertain directly to the proposed project as analyzed in the Draft EIR but to the design and future specifics of the MCSP which is currently being prepared. The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

### Response 9.4

The commenter states that emissions from vehicle travel must be mitigated and that a goal of the City's Climate Action Plan is to reduce VMT. The commenter suggests that climate change can be addressed through the additional GHG mitigation measures in the Draft EIR and early adoption of TDM should bring Piedmont closer to the VMT 15 percent threshold.

Please refer to Response 9.2 regarding TDM. This comment does not directly address the findings or conclusions of the Draft EIR. The commenter suggests that additional mitigation may be needed but does not provide specific mitigation strategies for consideration. The Draft EIR acknowledges that proposed General Plan policies described in Section 4.14, *Transportation*, of the Draft EIR would

reduce VMT and associated GHG emissions. No other feasible mitigation measures beyond these policies and what is required by other existing General Plan policies have been identified and thus the Draft EIR identified mitigation to reduce impacts to the extent feasible. Although this comment is noted, no revisions to the Draft EIR have been made in response.

### **Response 9.5**

The commenter expresses an opinion that innovative parking regulations could lower GHG emissions and make better use of limited undeveloped land. The commenter states that Housing Element programs 1.G and 1.H provide for some reduction of parking requirements in zones C and D but suggests that Piedmont could still do more in Moraga Canyon due to its unique concentration of parking lots.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment pertains to specific details of potential future development under the project but does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 9.6**

The commenter suggests that the City consider TDM mitigation measures related to limiting residential parking supply, unbundling residential parking costs from property costs, and market price public parking, which could lower GHG emissions and mitigate significant transportation and wildfire risk by reducing the number of cars parked in the Moraga Canyon area. The commenter expresses an opinion that by reducing overall car traffic, significant impacts related to impacts GHG-1, T-2, and W-1 would be mitigated. The commenter requests that the City adopt TDM in the Draft EIR and for Fehr and Peers to calculate lowered GHG emissions.

As discussed under Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR, the proposed project involves amendments to the City's General Plan Transportation Element to add a policy related to VMT Analysis and TDM measures, requiring projects that do not screen out from VMT impact analysis to provide a quantitative VMT analysis and for projects that result in significant VMT impacts to include ongoing TDM measures to reduce VMT. As discussed in Section 4.14, TDM measures could include limiting parking supply; unbundling parking costs; providing car sharing, bike sharing, and/or scooter sharing programs; subsidizing transit passes, and contributing to a VMT mitigation fee program, bank, or exchange. Additional TDM measures would be considered for future projects as warranted. The range of potential VMT reductions is also quantified in Section 4.14. No other feasible mitigation measures beyond these policies and what is required by other existing General Plan policies have been identified and thus the Draft EIR identified mitigation to reduce impacts to the extent feasible. No revisions to the Draft EIR have been made in response to this comment.

### **Response to Attachment**

The commenter attaches the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* prepared by the California Air Pollution Control Officers Association in December 2021. This attachment is provided to support Comment 9.6 Please see Response 9.6.

**From:** Pam Hirtzer <email address redacted>  
**Sent:** Monday, December 18, 2023 12:56 PM  
**To:** Kevin Jackson <kjackson@piedmont.ca.gov>  
**Subject:** Draft EIR for Housing Element Implementation

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Mr Jackson,

Please consider the following comments regarding the draft EIR for the Housing Element Implementation.

Traffic Increase, Safety and Access by Residents:

Many of us living in the Moraga Canyon area worked extensively on an EIR and evaluation of the use of Blair Park for a soccer field several years ago. There is an EIR from that work, and a traffic safety student conducted by the Friends of Moraga Canyon, both of which should be referenced in this EIR review. We demonstrated that:

- For limited use, such as coming and going from soccer games, Moraga Ave could not safely handle the increase in traffic. Traffic from soccer games is a fraction of the traffic to be expected from 132 units in Moraga Canyon. In T-3 and T-4, how does this draft EIR conclude that there is no substantial increase to hazards or emergency access? 1
- The soccer league proposed building a bridge from Blair Park to the sidewalk and Coaches Field on the north side of Moraga Ave. Several cities have indeed constructed such bridges, and subsequently taken them back down. These cities (I believe one of the bridges was in St Louis) discovered that kids do not go up the stairs and across the bridge – rather they dart across the road. The concept that apartment buildings in Blair Park, presumably with many children who can walk or bike to school by crossing Moraga Ave and heading down to Highland Ave is not realistic. 2
- As noted by others, we studied just a small parking lot for the soccer fields, and the implementation of street lights to slow traffic on Moraga Ave. There was insufficient line of sight to allow for safe traffic flow. We also pointed out that the congestion on Moraga Ave would be untenable considering that Moraga Ave is already thoroughfare between Hwy 13 and the rest of Oakland. 3
- Parking: there is an assumption in the EIR that the residents in the apartment buildings will not all have cars... and the four proposals shown on Nov 30<sup>th</sup> assumed that all cars would fit in garages below each apartment building. This does not account for visitors, family growth, or the fact that working families often need two cars to go to work. I doubt the current plans have adequate parking for the number of residents. 4

Wildfire Risk:

- Even this EIR documents that the wildfire risk to residents in and around Moraga Canyon cannot be mitigated and is significant. When I attended the community review Nov 30<sup>th</sup>, I was told that the fire department would evacuate residents from Moraga Canyon pre-emptively in case of a 5

wildfire. The proposal was to add a second exit onto Moraga Ave from the Coaches Field/Corporate yard onto Moraga Ave so that residents in apartment buildings on the north side would have two escape routes. If this is indeed the case, the feasibility of this proposal should be studied as part of this EIR.

7, cont.

- Likewise an appropriate study of traffic and evacuation in the event of a natural disaster for apartment dwellers on the Blair Park side of Moraga Ave should be included in this EIR.

8

- The escape routes listed in the draft EIR are not viable escape routes:
  - up Moraga Ave to Hampton and out to Park Blvd. Hampton is a very narrow windy road. It cannot handle any volume of traffic
  - Moraga Ave down to Pleasant Valley or up to Hwy 13. Moraga Ave will rapidly become clogged and impassable in either direction.

9

Thanks,  
Pam Hirtzer  
291 Scenic Ave

## Letter 10

**COMMENTER:** Pam Hirtzer

**DATE:** December 18, 2023

### Response 10.1

The commenter refers to a prior EIR for a different project, the Moraga Canyon Sports Fields Project EIR. The commenter suggests that this EIR and its traffic safety study be referenced in the 2023-2031 Housing Element Implementation Project EIR.

The Moraga Canyon Sports Fields Project EIR was prepared in 2010 based on site conditions in 2010 for a different project than the proposed Housing Element Implementation project analyzed under the current EIR. The current EIR analyzes impacts related to implementation of the City's 2023-2031 Housing Element Implementation project based on existing conditions and updated environmental and regulatory settings. Since the Draft EIR analyzes the current project as proposed, the analysis from the Moraga Canyon Sports Fields project EIR prepared in 2010 has not been incorporated by reference and is not used as a basis for the analysis in the Draft EIR. Please also see Response 8.1. No revisions to the Draft EIR have been made in response to this comment.

### Response 10.2

The commenter states an opinion that Moraga Avenue could not safely handle the increase in traffic from traveling to and from soccer games as studied in the Moraga Canyon Sports Field EIR and suggests that traffic from soccer games is only a fraction of the traffic to be expected from 132 units in Moraga Canyon. The commenter questions the significance determinations for impacts T-3 and T-4 of the Draft EIR.

Pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). As mentioned under Response 10.1, since the Draft EIR analyzes the current project as proposed, it is not appropriate or applicable to reference significance findings from the Moraga Canyon Sports Fields Project EIR prepared in 2010. As discussed under Impact T-3 of Section 4.14, *Transportation*, of the Draft EIR, new roadway, bicycle, pedestrian, and transit infrastructure improvements would be subject to, and designed in accordance with, City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping.

In addition, as discussed under Impact T-4 of Section 4.14, emergency access to new development sites proposed pursuant to an adopted MCSP would be subject to review by the City and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. Therefore, the project was found to not substantially increase hazards due to a design feature or incompatible use and was also found to not result in inadequate emergency access. No revisions to the Draft EIR have been made in response to this comment.

### **Response 10.3**

The commenter states that the soccer league proposed building a bridge from Blair Park to the sidewalk and Coaches Field on the north side of Moraga Avenue, but that the bridge idea is not realistic since kids cross the road instead. The commenter states concerns regarding safety of future residents walking or biking from the site.

This comment pertains to the potential future design specifics of the MCSP, which is currently being prepared by the City and will address motor vehicle, pedestrian, and bicycle circulation. The commenter's opinions are noted and will be provided to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 10.4**

The commenter states that the Moraga Canyon Sports Fields EIR found insufficient line of sight to allow for safe traffic flow.

Please see Response 10.1. Also, as discussed under Impact T-3 of Section 4.14, *Transportation*, of the Draft EIR, each development project would be reviewed and required to be consistent with appropriate regulations and design standards in effect at the time, such as adequate sight lines at new driveways between vehicles entering and exiting the driveways and pedestrians on the adjacent sidewalk, as well as motor vehicles and bicycles on the adjacent street, as required by General Plan Policy 12.2 (Maintaining Sight Lines) and Public Works Standard Details for construction in the public right-of-way. Therefore, impacts related to line of sight were found to be less than significant. No revisions to the Draft EIR have been made in response to this comment.

### **Response 10.5**

The commenter expresses concerns related to congestion on Moraga Avenue.

Please see Response 10.2. Pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay (LOS). The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 10.6**

The commenter states an opinion that the four proposals shown at the November 30, 2023 community workshop do not provide adequate parking for future residents.

This comment does not pertain directly to the proposed project as analyzed in the Draft EIR but to the design of the MCSP which is currently being prepared. The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. The provision of parking is not an environmental issue under CEQA. No revisions to the Draft EIR have been made in response to this comment.

## Response 10.7

The commenter states that the November 30 community workshop discussed adding a second exit onto Moraga Avenue from the Coaches Field/Corporate yard so residents in apartment buildings on the north side would have two egress routes. The commenter states that the feasibility of this proposal should be studied as part of the Draft EIR.

Please refer to Response 10.6. As discussed under Impact T-4 of Section 4.14, *Transportation*, of the Draft EIR, the proposed project does not include modifications to design and layout of the public right-of-way of major streets within Piedmont and would not affect emergency access in Piedmont. The streets within Piedmont would continue to accommodate fire apparatus and other emergency response vehicles. Thus, existing and future developments in Piedmont would continue to have access from multiple access points. As a result, if one access point were blocked, emergency vehicles can use other access point(s) to reach locations within Piedmont and the surrounding areas. The sites identified in the sites inventory, are primarily located on arterial and collector streets with more than one point of access.

Since the location and design of specific developments facilitated by the proposed project are not known at this time, the individual housing sites cannot be evaluated for adequacy of emergency access at this time. However, the City also maintains the roadway network which would provide access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites facilitated by the proposed project would be subject to review by the City of Piedmont and responsible emergency service agencies, thus ensuring that future projects would be designed to meet emergency access and design standards.

The proposed project would also include updates to the General Plan Environmental Hazards Element with the addition of policies 19.20 (Emergency Access) and 19.21 (Emergency Roadways), which would ensure impacts related to emergency access and escape routes be reduced to a less than significant level. Finally, specific driveway locations and configurations for the MCSP are anticipated to be finalized as the plan is developed and considered and additional CEQA review will be done at that time. No revisions to the Draft EIR have been made in response to this comment.

## Response 10.8

The commenter suggests that a study of traffic and evacuation in the event of a natural disaster for apartment dwellers on the Blair Park side of Moraga Avenue should be included in the Draft EIR.

Please see Response 10.2 regarding traffic and emergency access.

As discussed under Impacts W-1 and W-2 in Section 4.17, *Wildfire*, of the Draft EIR, construction of individual housing developments could interfere with adopted emergency response or evacuation plans as a result of temporary construction activities within rights-of-way. In addition, as discussed in the Emergency Evacuation Analysis (Appendix I to the Draft EIR), the proposed project could result in up to 2,276 additional vehicles on the road in Piedmont during an emergency evacuation event compared to existing conditions, which would increase the evacuation time by between a few minutes and up to approximately 45 minutes depending on the emergency event and the evacuation route. The proposed project would involve amendments to the Piedmont General Plan Environmental Hazards Element by adding a policy related to preparation of a Transportation Construction Plan that would reduce impacts related to the possible impairment or physical interference with an adopted emergency response or evacuation procedure during construction to a less than significant level. The proposed project would also add policies related to emergency evacuation during the operational



phase as well as require implementation of Mitigation Measure W-1, which would require incorporation of the Emergency Evacuation Analysis recommendations. However, even with addition of policies to the General Plan and implementation of Mitigation Measure W-1, for some development projects, impacts may still result from the potential for unusual site-specific or road conditions, project characteristics, increased population as a result of the proposed project, and the general ongoing fire risk in Piedmont. Therefore, impacts related to wildfire and emergency evacuation were found to be significant and unavoidable. No other feasible mitigation measures beyond these policies and what is required by other existing General Plan policies have been identified, and thus the Draft EIR identified mitigation to reduce impacts to the extent feasible.

If and when specific projects on the Blair Park side of Moraga Avenue are proposed, they would be subject to review by the City and responsible emergency service agencies, as well as any additional required CEQA review, to ensure the projects would be designed to meet all emergency access design standards. No revisions to the Draft EIR have been made in response to this comment.

### **Response 10.9**

The commenter expresses an opinion that the evacuation routes listed in the Draft EIR are not viable since Hampton Road is a narrow and windy road and Moraga Avenue may become congested.

Piedmont evacuation routes are identified in the General Plan Environmental Hazards Element and include Moraga Avenue and Hampton Road. The evacuation routes analyzed and discussed in Appendix I to the EIR, Emergency Evacuation Time Assessment, prepared by Fehr and Peers, were provided by the City of Piedmont Police Department Emergency Operations Procedures. The Emergency Evacuation Time Assessment found that with growth under the proposed project, evacuation times on Moraga Avenue could be increased by up to 40 minutes. Therefore, the Draft EIR does acknowledge that evacuation times would be increased with the proposed project. The Draft EIR includes Mitigation Measure W-1 to implement the recommendations from the Emergency Evacuation Time Assessment to improve emergency evacuation. Nonetheless, impacts related to emergency evacuation were found to be significant and unavoidable. No revisions to the Draft EIR have been made in response to this comment.

**From:** <email address redacted>  
**Sent:** Monday, December 18, 2023 12:57 PM  
**To:** Kevin Jackson <kjackson@piedmont.ca.gov>  
**Subject:** Comments on EIP for Housing Element

You don't often get email from [vincent.fisher@yahoo.com](mailto:vincent.fisher@yahoo.com). [Learn why this is important](#)

**[EXTERNAL]** This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Hi Kevin,

**Impact AES-4.** Development facilitated by the proposed project would create **new sources of light or glare** that could adversely affect daytime or nighttime views in the area. However, there are already sources of light and glare throughout the city, and development would not substantially add to existing light and glare that would adversely affect daytime or nighttime views. With compliance with existing city guidelines including General Plan policies and the PCC, this impact would be less than significant.

Mitigation: None required. Less than Significant without Mitigation

I strongly object to this classification: **Less than Significant without Mitigation** in particular as it pertains to the Moraga Canyon Development Plan.

1

In my view this should be classified as:

**Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved pursuant to CEQA Guidelines Section 15093.

The proposal of 132 new homes in Moraga Canyon will create new sources of light and glare that will negatively impact the views, quality of life, and home values for those who enjoy such views Maxwelton, Abbott Way, Echo on one side of Moraga and Scenic Ave and others on the other side of Moraga.

The entire area becomes dark at sunset and we enjoy wonderful views of the sunset and city and bridge lights. These views are enjoyed not only by those of with homes in the area, but also Piedmonters who hike the area between Abbott and Maxwelton and come to the cul du sac for views. I am sure the same is true for views from Scenic. Building multi story housing, and parking, will undoubtedly increase lighting substantially and make what was a dark canyon which was overlooked for lights - bright by comparison and decrease the quality of the views.

**Point 2:** I can't find it in the report, but it should be noted that the noise will substantially increase as well. In the canyon the sounds carry. With these homes being built there will be a substantial increase in noise (everyday living, cars, parking) which comes with a population

2

moving in. It may indeed be necessary - but it should be noted that this is a substantial change to those of living in the canyon.

2, cont.

Thank you Kevin for relaying my concerns.

Vincent Fisher  
16 Abbott Way  
Piedmont, CA

## Letter 11

**COMMENTER:** Vincent Fisher

**DATE:** December 18, 2023

### Response 11.1

The commenter states an opinion that the impact determination regarding light and glare (Impact AES-4) for the MCSP area in the Draft EIR should be significant and unavoidable. The commenter states that that the area becomes dark at sunset and residents enjoy views of the city and bridge lights. The commenter suggests that multi-family development would substantially increase lighting and decrease quality of views.

As discussed under Impact AES-4 of Section 4.1, *Aesthetics*, of the Draft EIR, although the project would result in additional light sources in the MCSP area, light sources from new development would be congruous with nearby light sources such as those of existing surrounding development and street lighting, and new development would be required to comply with Piedmont's Design Standards and Guidelines which includes standards intended to ensure that a development project's design has little or no effect on neighboring properties' existing views, privacy and access to direct or indirect light, as well as standards for exterior lighting, including the requirement to use "dark sky compliant" lighting fixtures on the exterior of development. Therefore, impacts related to light and glare were found to be less than significant. The commenter's opinions are noted but the commenter does not provide substantial evidence that unavoidable light and glare impacts would occur. No revisions to the Draft EIR have been made in response to this comment.

### Response 11.2

The commenter states an opinion that noise would substantially increase under the proposed project and that in the canyon sound carries. The commenter suggests that with residences being built there will be a substantial increase in noise associated with new residents.

In response to this comment, additional information related to potential for noise echo or reflection in the canyon has been added to Section 4.11, *Noise*, of the EIR. Please see Chapter 3, *Revisions to the Draft EIR*, for this additional information. These text revisions do not affect the findings or conclusions of the Draft EIR.

As discussed under Impact NOI-1 of Section 4.11, *Noise*, of the Draft EIR, the proposed project could include construction activities that would temporarily increase ambient noise levels above FTA noise limits. Although the project would include addition of a new policy for Construction Noise Reduction in the General Plan Environmental Hazards Element, which would ensure construction for smaller housing development be reduced below the eight-hour 80 dBA  $L_{eq}$  daytime residential noise limit per FTA guidelines, construction noise impacts related to larger development projects could still exceed FTA noise limits and therefore construction-related noise impacts were found to be significant and unavoidable.

As discussed under Impact NOI-2 of Section 4.11, *Noise*, of the Draft EIR, the proposed project would facilitate residential development that would generate on-site operational noise from stationary sources, such as HVAC equipment and outdoor activity areas, and off-site operational noise from vehicle trips. However, HVAC noise was determined to be comparable to noise levels of HVAC equipment associated with the existing developed and urbanized environment; operational noise

from vehicle activities such as delivery and trash hauling was found to be transient and intermittent and would not occur over a sustained period of time; noise from outdoor activity areas was found to be typical of existing developed and outdoor environments and below thresholds with adherence to the PCC; and roadway traffic noise was found to equate to an increase of approximately 0.6 dBA, which is well below the threshold of a 3 dBA increase. Therefore, impacts related to operational noise were found to be less than significant. No revisions to the Draft EIR have been made in response to this comment.

Letter 12

December 18, 2023

City of Piedmont  
120 Vista Avenue  
Piedmont, California 94611

Attention: Kevin Jackson, AICP, Director of Planning & Building

Dear Mr. Jackson,

We appreciate the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the implementation of City’s 6th Cycle Housing Element (SCH# 2022020362). We are pleased to see the City’s work on Housing Element implementation proceeding and look forward to further supporting efforts to meet the goals of the newly-adopted Housing Element.

**Comments on the Draft EIR**

**Project Description:**

We request that the Project Description include the text of proposed General Plan amendments in elements other than the Housing Element. These should be provided using formatting methods (e.g. underline and strike-out) that make clear to readers what material is being deleted and what material is being added. We further request that all references to General Plan policies in the document specify whether the policy referenced is included in the current (pre-amendment) General Plan and not proposed for amendment or whether the reference is to a proposed amendment. These clarifications would help the public and decision-makers better understand the proposed project.

1

We also request that the Project Description be amended to recognize that the MCSP may result in changes to recreational and Corporation Yard uses, and that those potential changes be recognized in the impact analysis sections throughout the document, so that the public and decision-makers may understand the comparative impacts, if any, of the different scenarios that are being considered for the MCSP.

2

**Assessment of Possible Impacts of the MCSP; Use of Policies as Mitigation Measures.**

We appreciate those sections of the document that clearly identify impacts (or no impact) associated with the MCSP. We request that an effort be made to consistently and clearly distinguish findings in connection with the MCSP.

3

CEQA requires that mitigation measures be tailored to any impacts identified, and bounded by the constitutional principles of nexus and proportionality. (CEQA Guidelines Section 15041(a).) The Draft EIR identifies many General Plan policies that serve as mitigation measures. While this may be an adequate way to ensure that the project is self-mitigative, please ensure that the identified General Plan policies are tailored to potential impacts identified in the document, and are not overbroad.

4

Specifically, we request clarification of the conclusions of Biology Impact 1 with regard to the MCSP. The DEIR discloses that a wildlife biologist conducted a pedestrian field survey of the site, but that no definitive surveys of special status species were performed. (Page 4.3-6.) The document concludes, however, that “the development surrounding the MCSP area precludes it from providing a functional corridor for wildlife. There are no sensitive vegetation communities which naturally occur within the MCSP area, and there is no USFWS-designated critical habitat. Habitat for special-status plants does not occur.” (Idem.) However, the DEIR goes on to identify a potential impact to habitat for special-status species. (Page 4.3-19.) It then concludes that this impact would not materialize, with adherence to “existing and proposed General Plan policies and other applicable regulations.” (Idem.) These statements appear to be contradictory. We request that the City undertake required work as part of the Final EIR effort to ascertain whether or not there are special status species or habitat on the site, and if so, that it clearly specify mitigation measures, instead of deferring mitigation to a future moment by application of the General Plan policies of general applicability listed on page 4.3-17 for (1) the San Francisco Dusky Footed Woodrat and (2) Roosting Bat protection. If in fact there will be no impacts because there are no special-status species and no habitat, please do not impose these broad General Plan policies on future development on the site. Hiring a qualified biologist and conducting pre-construction surveys would increase the development costs, which is warranted only to alleviate environmental impacts..

5

Please undertake a similar review of all other impact areas, to avoid imposing General Plan policies of general applicability on the MCSP if it is not necessary because the expected development on the site will not result in any impacts. The City has committed, as required by state law, to reduce constraints to housing development, and it should not impose onerous requirements when they are not necessary. In circumstances where there are any impacts, of course it makes sense to apply the policies. The environmental review document is the appropriate mechanism to identify those areas, particularly for the MCSP, since we already know, in broad strokes, what kind of development will occur there, so any potential impacts are foreseeable.

6

**Impacts to Cultural Resources; Local Implementation of SB 9 to Achieve “Missing Middle” Housing as a Mitigation Measure.**

The DEIR concludes that, despite application of current and proposed General Plan policies to avoid impacts on historic resources, future development facilitated by the proposed project would materially impair some of the existing historic resources, and therefore the impact to cultural resources citywide will be significant and unavoidable. It concludes that no feasible

7

mitigation measures are available to mitigate this impact. (Page 4.4-19.) (The document concludes also that these impacts would be less than significant for the MCSP area, as there are no historical or architectural resources on the site.)

We urge you to consider, as a mitigation measure to alleviate this citywide impact, implementing SB 9 in a way that would create incentives to maintain existing structures intact or with modest alterations, while at the same time creating more housing units. As you know, SB 9 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 - potentially authorizing up to four homes where now there is one. 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. Regarding historic resources, projects are not eligible for SB 9 ministerial approval if they are located in a historic district or property included on the State Historic Resources Inventory or listed as a landmark or historic district by city ordinance.

The proposed project contains a policy to be added to the Design and Preservation Element of the General Plan, which would require a historic resource assessment, compliance with the Secretary of the Interior Standards, avoidance, and documentation of historic resources prior to development. The policy, however, does not amount to landmarking the resources, so it is insufficient to prevent applicability of SB 9 to many of the city's resources - hence, in part, the significant and unavoidable conclusion.

If, as part of its SB 9 implementation packet, the City were to propose zoning changes that go beyond what SB 9 authorizes, and allow, for example, for four units per lot, or six units on larger lots, without the need to subdivide the lot into two separate parcels, this would create incentives for property owners to alter and subdivide their existing homes, instead (or in addition) of pursuing the traditional SB 9 path. It would also create "missing middle" housing along the way. Other cities in the Bay Area have adopted similar policies as part of their SB 9 implementation. (See San Francisco Planning Code Section 207(c)(8) [setting forth the San Francisco "Fourplex Program"]; see also the Turner Center, *California's HOME Act Turns One: Data and Insights from the First Year of Senate Bill 9* [recommending that cities adopt more flexible local SB 9 ordinances, specifically that they "consider additional strategies to increase housing supply in low-density neighborhoods outside of the state's SB 9 framework, including by increasing housing options above and beyond duplexes and creating design standards that facilitate several types of small-scale infill development." The report also states that "some cities, such as Berkeley and Sacramento, have begun exploring this approach. A comprehensive local approach to missing middle housing can greatly complement the goals of SB 9."])

Local implementation of SB 9 in this manner is a feasible mitigation measure to the identified cultural resources impact. Under CEQA, mitigation does not have to necessarily avoid the impact altogether; reducing the impact is also proper mitigation. (See CEQA Guidelines Section 15370 [mitigation includes "minimizing impacts by limiting the degree or magnitude of the action and its implementation"].) We believe this mitigation is feasible, and would reduce impacts on

7, cont.



cultural resources, particularly in Zone E, where larger homes are ideal candidates for renovated “missing middle” “four”-plex or “six”-plex apartment buildings.

7, cont.

Respectfully submitted,

Irene Cheng  
Ellen Greenberg  
Andrea Ruiz-Esquide

Members of the Housing Committee of the Piedmont Racial Equity Campaign

## Letter 12

**COMMENTER:** Irene Cheng, Ellen Greenberg, Andrea Ruiz-Esquide

**DATE:** December 18, 2023

### Response 12.1

The commenters requests that the EIR Project Description include the text of the proposed General Plan amendments and should be shown in ~~strikeout~~ and underline to make it clear what material is being deleted and what material is being added. The commenters also request that all references to new General Plan policies specify whether the policy referenced is in the current General Plan or is a proposed amendment.

The proposed text changes to the City's General Plan elements are shown in ~~strikeout~~/underline and are available for download and review on the City's website at: <https://www.piedmontishome.org/>. The General Plan amendments show new policy language added to the General Plan in a distinct color with underlining. The Draft EIR explains if General Plan policies are existing General Plan policies or if policies are proposed new or revised General Plan policies. No revisions to the Draft EIR have been made in response to this comment.

### Response 12.2

The commenters request that the EIR Project Description be amended to recognize that the MCSP may result in changes to recreational and Corporation Yard uses and that these potential changes be recognized in the impact analysis sections to understand the comparative impacts of the different scenarios that are being analyzed for the MCSP.

The MCSP is currently being prepared and the exact details of the Specific Plan or future development under the Specific Plan are not known at this time. As explained in Section 2, *Project Description*, of the Draft EIR, the Draft EIR assumes that portions of the site would remain as recreational uses and that the MCSP would also be designed to accommodate the City corporation yard and vehicle storage as efficiently as possible. The Draft EIR also assumes a reasonable maximum and conservative scenario for the development of housing in the MCSP Area. The Housing Element anticipates up to 132 units in the MCSP Area, but the Draft EIR analyzes an additional 67 units for a total of up to 199 units with possible increases due to SB 9, ADUs, or Density Bonus provisions in State law. Where appropriate in the impact analysis, the Draft EIR makes conservative assumptions about changes to the Corporation Yard or recreational uses within the MCSP Area by assuming that the Corporation Yard and existing recreation uses within the MCSP Area could be reconfigured within the MCSP Area or removed from the MCSP Area. For example, Section 4.13, *Public Services and Recreation*, assumes that the existing park and recreational uses within the MCSP Area are removed. The Draft EIR does not include a comparative analysis of potential options under consideration because that information was not known at the time of the Draft EIR and would be speculative. As explained in Section 1, *Introduction*, and Section 2 of the Draft EIR, future development proposals in the MCSP Area would be reviewed to determine whether their impacts fall within the scope of the Draft EIR, or if additional site-specific environmental review would be required. No revisions to the Draft EIR have been made in response to this comment.

### **Response 12.3**

The commenters request that an effort be made to consistently and clearly distinguish findings in connection with the MCSP.

As explained in Section 4, *Environmental Impact Analysis*, of the Draft EIR, each impact analysis is divided into two analyses sections including an analysis of the implementation of the proposed project throughout the city and also a separate subsection that includes a site-specific analysis for adoption and implementation of the MCSP in the MCSP Area. Further, each impact analysis states the conclusions for the analysis citywide and for the MCSP Area specifically and mitigation measures identified for the MCSP Area are labeled with “MCSP.” The commenters do not point to specific parts of the analysis in the Draft EIR from which to provide a further response. No revisions to the Draft EIR have been made in response to this comment.

### **Response 12.4**

The commenters state that CEQA requires that mitigation measures be tailored to impacts identified and bounded by constitutional principles of nexus and proportionality. The commenters state that the Draft EIR identifies General Plan policies that serve as mitigation measures and requests that the identified General Plan policies are tailored to potential impacts identified in the document and are not overbroad.

The Draft EIR analyzes impacts associated with the project which includes amendments to the City’s General Plan to include additional policies, some of which are related to the protection of environmental resources. Where appropriate, the new or revised General Plan policies are taken into account in the impact analysis and in many cases implementation of those policies would reduce environmental impacts such that mitigation measures have not been identified as being required. Where compliance with existing or proposed General Plan policies or compliance with other laws and regulations would not reduce impacts below the level of significance, feasible mitigation measures have been considered and required as appropriate. Policies intended to mitigate environmental impacts would not be applicable during project review if the potential for those impacts is not identified. The commenters do not point to specific parts of the analysis or mitigation measures in the Draft EIR from which to provide a further response. No revisions to the Draft EIR have been made in response to this comment.

### **Response 12.5**

The commenter requests clarification of the conclusions of Section 4.3, *Biological Resources*, of the Draft EIR and includes text from the Draft EIR. The commenter requests clarification regarding statements indicating that no sensitive vegetation communities or critical habitat occur on site but that potential impacts to special-status species could occur. The commenters express opinions that broad General Plan policies should not be imposed on the site and that hiring a qualified biologist to survey the site and conduct pre-construction surveys would increase the development cost.

As explained in Section 4.3, the analysis for the MCSP Area included a pedestrian survey and desktop research regarding mapped, known, and potential locations of sensitive communities, special-status plants and wildlife, and habitat for special-status plants and wildlife. The analysis found that habitat for special-status plants does not occur and special-status plants are not likely to be present in the MCSP Area. However, special status wildlife such as nesting birds, roosting bats or the San Francisco dusky-footed woodrat may be present in the MCSP Area based on the biologist’s analysis of the MCSP area. A citywide biological assessment at this level was not conducted. The proposed amendments to

the General Plan Natural Resources and Sustainability Element that are included as part of the proposed project would protect nesting birds, roosting bats, and the San Francisco dusky-footed woodrat citywide. Future development in the MCSP Area would be required to comply with these proposed new General Plan policies related to nesting bird protection, bird safe design, roosting bats, and the San Francisco dusky-footed woodrat. No revisions to the Draft EIR have been made in response to this comment.

### **Response 12.6**

The commenters request that a review of all other impact areas be undertaken to avoid imposing General Plan policies of general applicability on the MCSP if it is not necessary because the expected development on the site will not result in any impacts. The commenters state an opinion that the City should not impose onerous requirements on housing and the Draft EIR should analyze foreseeable environmental impacts.

The commenters do not provide specific comments on the analysis or conclusions regarding the MCSP Area from which to base a specific response. The Draft EIR does include a site-specific analysis of the MCSP Area and where necessary and appropriate explains that compliance with General Plan policies or mitigation measures may be required to reduce potential environmental impacts. The commenters' opinions about avoiding onerous requirements on housing are noted and will be forwarded to City decision-makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

### **Response 12.7**

Referring to the conclusions in Section 4.2, *Cultural Resources*, of the Draft EIR that impacts related to historical resources would be significant and unavoidable, the commenters suggest that the City consider as a mitigation measure implementing SB 9 in a way that would create incentives to maintain existing structures intact or with modest alterations, while at the same time creating more housing units.

Typically, implementation of existing laws and regulations are not considered mitigation measures pursuant to CEQA. In accordance with CEQA, the City considered feasible mitigation measures to reduce impacts to historical resources but found that it cannot be guaranteed that implementation of the proposed project would not impact historical resources. Therefore, this impact was identified to be significant and unavoidable. The commenters' opinions that going beyond SB 9 requirements are noted and will be forwarded to City decision-makers for consideration. However, it is not anticipated that going beyond SB 9 requirements would substantially reduce impacts to historical resources. Under SB 9, structures that are eligible for listing on a historical resources list could still be substantially altered or demolished. No revisions to the Draft EIR have been made in response to this comment.

To: Kevin Jackson, Piedmont City Planning  
From: Marjorie Blackwell, Piedmont resident  
Date: Dec. 18, 2003

Following are my comments on the Draft Housing Element Environmental Impact Report.  
(Comments are below *excerpts* from the DEIR.)

1) Executive Summary:

*“Overall, this EIR assumes 1,048 housing units associated with the proposed project. Of the 1,048 units, up to 199 units could be within the MCSP Area (132 units plus 67 additional units from possible SB 9, ADU, and/or density bonus development in the area).”*

1

**Comment:** This conflicts with the proposed Moraga Canyon Specific Plan which states that 132 units total will be built in the Canyon. I was further assured verbally by an Assistant Piedmont City Planner that the correct number of total housing units is 132, not 199. Which is correct?

*“Alternative 2 (Reduced Buildout): units per acre. **Alternative 2 assumes that the MCSP would be adopted in accordance with Program 1.L and assumes that developers in Moraga Canyon would request 80 percent density bonuses for 100 percent affordable housing.**”*

2

**Comment:** This conflicts with the Moraga Canyon Specific Plan which calls for 60 low-income units and 72 market rate units. Which number is correct?

(Refers to Alternative 2) *“This alternative would result in less impacts to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, tribal cultural resources, utilities and service systems and wildfire due to the decrease in residential units developed. However, this alternative would not eliminate the unavoidably significant impacts related to historical resources, GHG, construction noise, wastewater infrastructure, or wildfires.”*

3

**Comment:** Sentences in this paragraph are confusing. One sentence says “This alternative would result in less impacts to...geology and soils, greenhouse gas emissions, noise, utilities and service systems and wildfire.” Next sentence says it “would not eliminate the unavoidably significant impacts.” Which is correct? What is the degree of difference between “less impact” and “unavoidably significant impacts?” What are the alternatives if no mitigation is possible?

3) **Geology:**

*Significant Impact Impact GEO-1. The Hayward Fault runs east of Piedmont. Since no part of Piedmont is located within an Alquist-Priolo zone, development facilitated by the project would not be subject to surface or ground rupture. Development facilitated by the proposed project would be subject to seismically-induced ground shaking and other seismic hazards, including liquefaction and landslides, which could damage structures and result in loss of property and risk to human health and safety. Impacts would be less than significant with required compliance with State-mandated building standards, Piedmont General Plan policies*

4

and actions, and the PCC citywide regulations. **Impacts for the Moraga Canyon Specific Plan Area would be less than significant with mitigation incorporated and adherence to applicable laws, regulations, and policies.**

*MCSP-GEO-1 Geotechnical Assessment for Moraga Canyon Specific Plan Area. A geotechnical assessment shall be prepared for development in the Moraga Canyon Specific Plan Area by a qualified engineer prior to issuance of a grading permit. **The geotechnical assessment shall include onsite sampling of existing soil to ascertain current conditions and characterize the potential for risks and implications for future building foundation elements.***

4, cont.

**Comment:** How can the impacts for the MCSP area “be less than significant” before the geotechnical assessment has been done? It would be more accurate to state that impacts “may or may not be less than significant, depending on the geotechnical assessment.”

#### 4) Land Use and Planning:

Noise Impact NOI-1. Construction associated with housing development facilitated by the proposed project would be required to comply with the allowed daytime construction hours regulated by the Piedmont City Code and, therefore, would not occur during nighttime hours when people are more sensitive to noise. **However, larger developments could involve construction with lengthy durations, substantial soil movement, use of large, heavy-duty equipment, excavation of rocky conditions, and/or pile driving near noise-sensitive land uses that could exceed the applicable FTA daytime noise limits and Piedmont General Plan recommended maximum noise levels. Therefore, this impact would be significant and unavoidable.**

5

**Comment:** Larger developments WOULD involve all of the impacts listed above. The DEIR should further state the impacts of development could last for years.

#### 5) Noise

*“Impact NOI-2. Future residential development facilitated by the proposed project could include mechanical equipment (i.e., HVAC), delivery and trash trucks, and other noise-generating activities. However, such activities would be typical of the developed and urbanized environment. In addition, on-site activities would be required to comply with applicable noise standards in the Piedmont City Code. **Furthermore, while housing development would generate vehicle trips in the city, the increase in mobile noise would not result in a perceptible 3-dBA increase. Therefore, permanent noise increases due to operation of the development facilitated by the proposed project would be less than significant.**”*

6

**Comment:** Permanent mobile noise in Moraga Canyon would increase dramatically with various types of home delivery services, as well as noise producing recycling/compost, and trash pickup trucks, as well as increased noise from the City Corporation Yard due to the increased city population.

#### 6) Parks & Open Space

***“Impact PS-4. Development facilitated by the proposed project would increase the population of Piedmont and the use of existing parks and recreational facilities. Further, the Moraga Canyon Specific Plan would involve the designation of sites for new housing and the reconfiguration and/or relocation of the City’s Corporation Yard facilities, recreation facilities, open space and parkland, which may reduce the City’s overall park acreage. Nonetheless, park acreage in Piedmont would continue to exceed State standards. Therefore, this impact would be less than significant.”***

7

**Comment:** How will Piedmont continue to exceed State park standards with the loss of Blair Park and most of Moraga Canyon open space at the same time the city’s population increases with the addition of up to 1,000 new residences?

### 7) Transportation

***“Transportation Impact T-1. The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities. This impact would be less than significant.***

***Impact T-4. The proposed project would not result in inadequate emergency access. This impact would be less than significant.”***

8

**Comment:** The proposed project **would** dramatically affect Moraga Ave. roadway with the addition of 132 (or more?) housing units in Moraga Canyon and the significant increase in traffic volume. Furthermore, Moraga Ave. is the one and only evacuation route for hundreds of Piedmont and Oakland residents in the Moraga Canyon corridor.

### 8) VMT

***“Cumulative Impact. As discussed under Impact T-2, the proposed project would result in a decrease in the. Therefore, the home-based VMT per resident is also a cumulative impact. The cumulative impact would remain significant and unavoidable. No feasible mitigation measures have been identified.***

***“Cumulative Impact. the proposed project would still be inconsistent with BAAQMD’s project-level thresholds, specifically transportation threshold 1.a., as VMT would not be guaranteed to be below the baseline regional threshold; building threshold 1.a., as the City’s Reach Code does not regulate multi-family residences and the City’s ability to regulate all electric development has been affected by recent case law; building threshold 1.b., as the City’s EV requirements are less stringent than CALGreen Tier 2. Therefore, the proposed project would result in a significant and unavoidable cumulative impact on GHG emissions. Mitigation Measure (S) No feasible mitigation measures have been identified.”***

9

**Comment:** These significant, unavoidable cumulative impacts must be taken seriously and require further study before the Final EIR is adopted.

### 9) Wildfire & Landslide Dangers

***“Wildfire Danger Impact W-2***

10

**Impact W-4. Implementation of the proposed project would encourage development of housing in and near VHFHSZs including in areas with steep terrain, such as the MCSP Area. Development facilitated by the proposed project could expose people and structures to risk due to the terrain and slope which could result in potential risks such as landslides. This impact would be significant and unavoidable.**

**Impact W-5. Implementation of the proposed project would facilitate development in and near areas within VHFHSZs. Compliance with existing policies and regulations would reduce wildfire risks to the extent feasible. However, because the proposed project would encourage development in and near VHFHSZs and would lead to an overall increase in Piedmont's population, this impact would be significant and unavoidable.**

**Mitigation Measure (S)** *No feasible mitigation measures have been identified.*

**“Residual Impact** *Significant and Unavoidable As discussed under Impacts W- 1 through W-5 above, compliance with the California Fire Code and General Plan policies would reduce the risk of wildfire to the extent feasible. However, even with mitigation, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires. Therefore, cumulative development under the proposed project would result in a significant cumulative wildfire impact. The proposed project would have a considerable contribution to a cumulative impact.*

**Comment:** The existing, life-threatening landslide and wildfire dangers in and around Moraga Canyon will be greatly exacerbated with the addition of 300 or more new residents. These impacts must be resolved before any development takes place.

## **10) Greenhouse Gas Emissions**

**Impact GHG-1. The proposed project would not be consistent with BAAQMD's building and transportation thresholds. Even with implementation of proposed new policies in the General Plan Natural Resources and Sustainability Element and Transportation Element, this impact would remain significant and unavoidable. .**

**Comment:** How will the City respond to the BAAQMD requirements?

## **11) Transportation**

*The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments: Basis for Congestion Management Program (CMP) Review*

- *It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions, and therefore the CMP Land Use Analysis Program requires the City to conduct a transportation impact analysis of the proposed project.*

*The DEIR should discuss the adequacy of proposed mitigation measure according to the criteria above. In particular, the DEIR should detail when proposed roadway or transit route*

10, cont.

11

12



improvements are expected to be completed, how they will be funded, and the effect on service standards if only the funded portions of these mitigation measures are built prior to Project completion. The DEIR should also address the issue of transit funding as a mitigation measure in the context of the Alameda CTC mitigation measure criteria discussed above.

Jurisdictions are encouraged to discuss multimodal tradeoffs associated with mitigation measures that involve changes in roadway geometry, intersection control, or other changes to the transportation network. This analysis should identify impacts to automobiles, transit, bicyclists, and pedestrians. The HCM 2010 MMLOS methodology is encouraged as a tool to evaluate these tradeoffs, but project sponsors may use other methodologies as appropriate for particular contexts or types of mitigations.

12, cont.

**Comment:** What is the DEIR response to the Alameda County Transportation Commission?

## 12) Alternatives

The City of Piedmont considered several alternatives that were considered but ultimately rejected.

The Moraga Canyon Specific Plan (MCSP) in accordance with Housing Element Program 1.L to develop a Specific Plan for the City-owned parcels in Moraga Canyon. However, this would directly conflict with Project Objective #2. Further, this would likely result in Piedmont being unable to demonstrate to the California Department of Housing and Community Development (HCD) that the City was in compliance with State requirements to meet the City's RHNA. Therefore, this alternative was considered but rejected and is not included as an alternative in the analysis.

13

**Comment:** The City did not consider reducing the number of housing units in Moraga Canyon to less than 132 and moving the remainder to other parcels of City-owned land in Piedmont, such as the two tennis courts adjacent to the Community Center or the grassy slope at the lower level of Dracena Park.

## 13) Moraga Canyon Specific Plan Mitigation Measures

The PCC's evaluation of projects' access and circulation would incorporate analysis with respect to City standards for service to pedestrians, bicyclists, and transit users. For example, potential new driveways on Moraga Avenue or existing driveways or streets that would serve new development would provide adequate sight distance as required by General Plan Policy 12.2 (Maintaining Sight Lines). Therefore, the MCSP would result in a less than significant impact to transportation hazards.

14

**Comment:** "Potential new driveways on Moraga Ave." would be dangerous for the residents in Moraga Canyon as well as drivers speeding up/down Moraga Ave. The DEIR fails to report existing excess speeds along Moraga Ave. and the Piedmont Police Dept.'s failure to monitor and control traffic on Moraga Ave.

*Moraga Canyon Specific Plan*

*The analysis for the proposed citywide Housing Element Implementation above applies to the MCSP Area because the VMT analysis considered the proposed project as a whole, including the MCSP. Likewise, future development projects **that would occur within the MCSP area may meet one or more of the screening thresholds if they are 100 percent affordable housing or if they have a minimum density of 20 units per acre. These developments would have a less than significant impact on VMT.***

15

**Comment:** This statement conflicts with the MCSP which states that 132 housing units in Moraga Canyon will be a mix of market (or moderate) rate and low income units. Which is correct?

**14) Table 4.14-2 Transit:**

**“No area within the City of Piedmont is within 0.5 mile of an existing major transit stop.** As shown in Table 4.14-2 and as of June 2023, AC Transit Local Line 33 operates at 15-minute intervals during the weekday peak commute hours. Therefore, Highland Way, Highland Avenue between Highland Way and Oakland Avenue, Oakland Avenue between Highland Avenue and City of Oakland boundary, and Park Boulevard along the City boundary, where Line 33 operates with 15-minute intervals during the weekday peak commute hours, are currently considered high-quality transit corridors serving the City of Piedmont; however, the high-quality transit corridors may change since bus routes and schedules can change over time. “

16

**Comment:** Piedmont residences along the AC Transit 33 line ARE within 0.5 miles of an existing major transit stop. Moraga Canyon, however, is a mile from a major transit stop.

**15)\*\* Appendix G: Congestion Management Program Analysis (by Fehr & Peers}**

**Comment: This is most important:** The charts of traffic analysis do not show the existing or projected traffic on Moraga Ave. between Hwy 13 and Highland Ave., which would be the most heavily impacted roadway in Piedmont with the addition of 132 (or more?) housing units,

17

## Letter 13

**COMMENTER:** Marjorie Blackwell

**DATE:** December 18, 2023

### Response 13.1

The commenter refers to the Executive Summary and asks whether 132 units or 199 units would be constructed in the MCSP Area.

As discussed in Section 2, *Project Description*, of the Draft EIR, the Draft EIR analyzes impacts associated with adoption of the MCSP and development of 132 units in the MCSP Area. With possible increases due to SB 9, ADUs, or Density Bonus provisions in State law, an additional 67 units are assumed for a total of 199 units in the MCSP Area. Development in other parts of Piedmont were also studied with possible increases in units due to SB 9, ADUs, or Density Bonus provisions of State law. No revisions to the Draft EIR have been made in response to this comment.

### Response 13.2

The commenter states that Alternative 2 conflicts with the MCSP which calls for 60 low-income units and 72 market rate units and asks which number is correct.

As discussed in Section 2, *Project Description*, of the Draft EIR, implementation of Housing Element Program 1.L would require amendments to the General Plan and the preparation of a specific plan to accommodate the density and create development standards for the unique site conditions of the MCSP Area to produce at least 60 units of low and very low-income housing and 72 units of above moderate-income housing. *CEQA Guidelines* Section 15126.6 requires that an EIR describe a “reasonable range of alternatives.” In this case, Alternative 2 envisions a reduced buildout which assumes that the entirety of the Housing Element is not implemented, but that State laws such as SB 9, AB 1851, AB 2244 and the State Density Bonus Law, would continue to be implemented. Alternative 2 assumes that the MCSP would be adopted in accordance with Program 1.L and assumes that developers in Moraga Canyon would request 80 percent density bonuses for 100 percent affordable housing. No revisions to the Draft EIR have been made in response to this comment.

### Response 13.3

The commenter refers to the discussion of Alternative 2 in the Draft EIR, which states that the alternative would result in less impacts in certain issue areas but would not eliminate the unavoidably significant impacts related to historical resources, GHG, construction noise, wastewater infrastructure, or wildfires. The commenter asks which is correct since “less impacts” and “would not eliminate the unavoidably significant impacts” appear to the commenter to be contradicting statements.

As discussed in Section 6.3.2, *Alternatives*, of the Draft EIR, Alternative 2 would result in less than significant impacts related to aesthetics, air quality, biological resources, archaeological resources and human remains, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, operational noise, vibration, population and housing, public services and recreation, and tribal cultural resources, similar to the significance determinations for the proposed project as discussed throughout the Draft EIR. Alternative 2 would include a reduced buildout with less units and less residents, which therefore would result in reduced impacts related to historical resources,

GHG, construction noise, VMT, utilities and service systems, and wildfire. Although impacts would be reduced, they would not be reduced to below a level of significance and these impacts would remain significant and unavoidable, similar to the proposed project. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.4**

The commenter refers to Mitigation Measure MCSP-GEO-1 and asks how impacts for the MCSP Area can be less than significant before the geotechnical assessment has been done.

As discussed under Impact GEO-1 in Section 4.6, *Geology and Soils*, of the Draft EIR, the MCSP Area is located within a very low liquefaction potential zone and has soil type with low shrink-swell potential (or expansivity). Development facilitated by the MCSP would be required to comply with applicable laws and regulations as discussed in Section 4.6. Pursuant to Section R401.4.3 of the CBC, as incorporated into the PCC, development in the MCSP Area that would occur on slopes 20 percent or greater would be required to prepare a mandatory soils report, and recommendations in the report must be implemented. However, because the MCSP Area is in a high landslide potential zone and contains non-engineered fill, impacts were found to be potentially significant. Impacts related to landslide and the presence of non-engineered fill are commonly addressed in standard geotechnical engineering practices. Because project-specific plans are required to prepare a project-specific geotechnical analysis and specific grading and development plans for the MCSP Area have not been proposed at this time, Mitigation Measure MCSP-GEO-1 is required. Implementation of this measure requires preparation of a geotechnical assessment by a qualified engineer in accordance with current procedures and applicable state and local construction, engineering, and geotechnical building standards. The design and construction of future development in the MCSP Area shall incorporate the recommended measures identified in the study prior to issuance of a grading permit. Incorporation of recommendations prepared by a qualified engineer and consistency with CBC requirements would reduce impacts related to geologic hazards in the MCSP Area to a less than significant level. No other feasible mitigation measures beyond Mitigation Measure MCSP-GEO-1 and what is required by existing laws and regulations have been identified and the Draft EIR identified mitigation to reduce impacts to the extent feasible. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.5**

The commenter suggests that the phrase “would” should be used instead of “could” under Impact NOI-1 which states that: “However, larger developments could involve construction with lengthy durations, substantial soil movement, use of large, heavy-duty equipment, excavation of rocky conditions, and/or pile driving near noise-sensitive land uses that could exceed the applicable FTA daytime noise limits and Piedmont General Plan recommended maximum noise levels.”

The word “could” is appropriate in the discussion referenced by the commenter since not all large developments would require excavation of rocky conditions or use pile driving. Nonetheless, the Draft EIR assumes that this kind of construction could occur and takes this into account in the impact analysis. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.6**

The commenter expresses an opinion that permanent mobile noise in Moraga Canyon would increase dramatically with noise from delivery trucks, trash trucks, and an increase in population.

As discussed under Impact NOI-2 in Section 4.11, *Noise*, of the Draft EIR, although increased delivery and trash hauling trucks could intermittently expose various sensitive receivers to increased truck noise, such operations are already a common occurrence, and delivery or waste pick up trucks are typically scheduled during daytime hours when people tend to be less sensitive to noise. In addition, these noise events from trucks are typically transient and intermittent, and do not occur for a sustained period of time. Therefore, impacts related to delivery trucks and trash trucks were found to be less than significant.

Impact NOI-2 also determined that the proposed project would only result in a 14 percent increase in traffic on a roadway which equates to an increase of 0.6 dBA. This would not double the existing mobile noise source and would not increase noise levels by more than 3 dBA, which is the significance threshold as identified in the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.7**

The commenter asks how Piedmont would continue to exceed State park ratios with the loss of Blair Park and most of the Moraga Canyon open space at the same time the city's population increases.

As discussed under Impact PS-4 in Section 4.13, *Public Services and Recreation*, of the Draft EIR, Piedmont currently has a ratio of approximately 5.5 acres of parks per 1,000 residents (59 acres of parks for current population of 10,793), which exceeds the California State Parks recommended standard of three acres per 1,000 residents. The proposed MCSP would involve the designation of land within the MCSP Area for new housing and the reconfiguration and/or relocation of the Corporation Yard and existing recreation facilities, open space, and parkland in the MCSP Area. The exact land use configuration in the MCSP Area has not yet been determined. However, it is conservatively assumed that the acreage of parks and recreational facilities in the MCSP Area could be reduced with implementation of the MCSP. Assuming the reduction in park space, the park to resident ratio in Piedmont could decrease to approximately 3.7 acres per 1,000 residents (51.5 remaining acres of parkland for a projected 2031 population of Piedmont is 13,727), which is still above the State standard. In addition, when the details of the MCSP have been determined, should a reduction in parkland space occur, the City of Piedmont would comply with State Public Park Preservation Act requirements for the transfer of property in use as a public park for any non-park use. Furthermore, Piedmont is a member agency of the East Bay Regional Parks District (EBRPD), and EBRPD provides open space, parks, and recreation facilities in proximity to Piedmont and continued adherence to Piedmont General Plan policies would ensure that substantial physical deterioration of the city's parks and recreational facilities would not occur or be accelerated. Therefore, impacts related to parks and recreational space were found to be less than significant. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.8**

The commenter refers to impacts T-1 and T-4 of the Draft EIR and expresses an opinion that the project would "dramatically" affect Moraga Avenue and significantly increase traffic volume. The commenter also states that Moraga Avenue is the only evacuation for Piedmont and Oakland residents in the Moraga Canyon corridor.

Pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). No revisions to

the Draft EIR have been made in response to this comment. Regarding emergency evacuation, as discussed in Section 4.17, *Wildfire*, of the Draft EIR, future development within the MCSP Area would result in increased population and vehicles in that area which could impact emergency evacuation routes. The routes most likely to be used by future residents in the MCSP Area include eastbound Moraga Avenue to SR 13 and westbound Moraga Avenue to Pleasant Valley Avenue. As shown in Table 4.17-1, as with development facilitated by the proposed project as a whole, these routes could have increased evacuation times between 8 and 40 minutes. The Draft EIR includes Mitigation Measure W-1 to implement the recommendations from the Emergency Evacuation Time Assessment to improve emergency evacuation. Nonetheless, impacts related to emergency evacuation were found to be significant and unavoidable. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.9**

The commenter refers to GHG and transportation cumulative impacts and states that the significant and unavoidable cumulative impacts must be taken seriously and require further study.

As discussed under Cumulative Impacts in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, despite implementation of mitigation measures GHG-1 and T-1, the proposed project would still be inconsistent with BAAQMD's project-level thresholds, specifically transportation threshold 1.a., as VMT would not be guaranteed to be below the baseline regional threshold; building threshold 1.a., as the City's Reach Code does not regulate multi-family residences and the City's ability to regulate all electric development has been affected by recent caselaw; and building threshold 1.b., as the City's EV requirements are less stringent than CALGreen Tier 2. Therefore, cumulative GHG impacts were found to be significant and unavoidable.

As discussed under Cumulative Impacts in Section 4.14, *Transportation*, of the Draft EIR, the proposed project would result in a decrease in the average home-based VMT per resident in the years 2031 and 2040 compared to the Baseline (2020) conditions but would still exceed the significance threshold of 15 percent below the Bay Area Regional Baseline Average. Therefore, cumulative VMT impacts were found to be significant and unavoidable.

These impacts have been disclosed in the Draft EIR and will be forwarded to City decision-makers for consideration before a decision on the proposed project. As required by CEQA and explained in Chapter 1, *Introduction*, of this document, if an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (*CEQA Guidelines* Section 15093). Piedmont decision-makers will consider the Findings and Statement of Overriding Considerations when they consider the project. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.10**

The commenter expresses an opinion that landslide and wildfire risks in and around Moraga Canyon would be "greatly" exacerbated with the addition of new residents.

As discussed under Impact GEO-1 in Section 4.6, *Geology and Soils*, of the Draft EIR, the MCSP area is located in a landslide zone and contains areas of non-engineered fill, which could result in potentially significant impacts related to landslides and unstable soils. However, with implementation of Mitigation Measure MCSP-GEO-1, which requires preparation of a geotechnical assessment and

incorporation of recommended measures for future MCSP projects, impacts would be less than significant. Recommendations included in the geotechnical assessment would include recommendations to improve slope stability to reduce landslide risks and issues related to slope stability and landslides, which are commonly addressed in standard geotechnical engineering practices. Please also see Response 13.4.

As discussed under impacts W-1 through W-4 in Section 4.17, *Wildfire*, of the Draft EIR, even with the addition of new policies to the General Plan Environmental Hazards Element and adherence to existing PCC regulations and General Plan policies, impacts may still result from the potential for unusual site-specific or road conditions, project characteristics, increased population as a result of the proposed project, and the general ongoing fire risk in Piedmont. Therefore, wildfire impacts were determined to be significant and unavoidable as no other mitigation measures are feasible to reduce impacts to a less than significant level.

These impacts have been disclosed in the Draft EIR and will be forwarded to City decision-makers for consideration before a decision on the proposed project. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.11**

The commenter refers to Impact GHG-1 of the Draft EIR and asks how the City will respond to BAAQMD requirements.

As discussed under Impact GHG-1 in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, the proposed project would involve amendments to the Piedmont General Plan Natural Resources and Sustainability Element to include a policy to encourage future development not to include natural gas and to achieve compliance with CALGreen Tier 2 EV charging requirements. GHG impacts for future individual projects would be analyzed for consistency with BAAQMD thresholds and mitigation measures would be required if thresholds are not met. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.12**

The commenter refers to the ACTC comment letter regarding CMP review and asks what the response is to the ACTC.

Please refer to responses 4.1 through 4.7. A CMP analysis was provided in Appendix G of the Draft EIR.

### **Response 13.13**

The commenter refers to Section 6, *Alternatives*, of the Draft EIR and expresses an opinion that the City did not consider reducing the number of housing units in Moraga Canyon to less than 132 and moving the remainder to other parcels of City-owned land in Piedmont, such as the two tennis courts adjacent to the Community Center or the grassy slope at the lower level of Dracena Park.

The MCSP has not been approved yet and, as noted in Response 13.2, CEQA requires that the EIR include a reasonable range of alternatives. As shown in Table 6-1 in Section 6, *Alternatives*, of the Draft EIR, Alternative 2 assumes a reduced buildout in the MCSP area from 132 units as proposed in the Draft EIR to 62 units. The commenter's opinions regarding other City parcels that could be considered for housing are noted and will be provided to City decision-makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

### Response 13.14

The commenter expresses an opinion that potential new driveways on Moraga Avenue would be dangerous for residents in the area as well as for drivers on Moraga Avenue. The commenter states that the Draft EIR fails to report existing excess speeds along Moraga Avenue and that the Piedmont Police Department fails to monitor and control traffic on Moraga Avenue.

As discussed under Impact T-3 of Section 4.14, *Transportation*, of the Draft EIR, new roadway, bicycle, pedestrian, and transit infrastructure improvements would be subject to, and designed in accordance with City standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. In addition, as discussed under Impact T-4 of Section 4.14, emergency access to new development sites proposed pursuant to an adopted MCSP would be subject to review by the City and responsible emergency service agencies, thus ensuring that projects would be designed to meet emergency access and design standards. Therefore, the project was found to not substantially increase hazards due to a design feature or incompatible use and was also found to not result in inadequate emergency access. While the commenter's opinion that speed limits are not consistently enforced is noted, the Draft EIR assumes compliance with existing regulations. The comment on enforcement does not relate to the adequacy of the analysis within the Draft EIR, but is noted and will be forwarded to City decision-makers for consideration. No revisions to the Draft EIR have been made in response to this comment.

### Response 13.15

The commenter suggests that the following statement conflicts with the MCSP which states that the 132 housing units in Moraga Canyon would be a mix of market-rate and low-income units: "The analysis for the proposed citywide Housing Element Implementation above applies to the MCSP Area because the VMT analysis considered the proposed project as a whole, including the MCSP. Likewise, future development projects that would occur within the MCSP area may meet one or more of the screening thresholds if they are 100 percent affordable housing or if they have a minimum density of 20 units per acre. These developments would have a less than significant impact on VMT."

The statement the commenter refers to (Impact T-2 in Section 4.14, *Transportation*, of the Draft EIR) references VMT screening criteria. As described on Page 4.14-25 of the Draft EIR, based on the results of the ACTC Model, and applying strategies from the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, residential developments with a density of 20 units per acre or higher in most areas of Piedmont (including in the MCSP Area) would have a home-based VMT per resident below the threshold of significance (i.e., 15 percent below the Bay Area Regional Baseline Average), and therefore, these developments would have a less than significant impact on VMT. The City of Piedmont's adopted *Policy for Analyzing VMT Impact under CEQA* also provides screening thresholds applicable to residential developments that can be used to identify projects that can be expected to cause a less than significant impact without conducting a detailed evaluation, including small projects, projects in a high-quality transit corridor, and residential projects that contain 100 percent affordable housing.

Therefore, if future development in the MCSP Area includes 100 percent affordable housing, or has a minimum density of 20 units per acre, the developments would be assumed to have a less than significant impact on VMT. Because the MCSP is being prepared separately and no development plans are yet available, the exact mix of affordable housing in the MCSP Area is unknown at this time. It is assumed in the Draft EIR that development in the MCSP Area would be a mix of market-rate and low-



income units because that is a goal of the MCSP as stated in Housing Element Program 1.L. However, it is not yet known if future development would be 100 percent affordable housing. Therefore, the Draft EIR acknowledges that future development in the MCSP Area could screen out from needing a VMT analysis but it is not yet known if it would meet the screening criteria. Future development in the MCSP Area would also be subject to CEQA review at the time it is proposed which will involve assessing VMT impacts. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.16**

The commenter comments on Table 4.14-2 which states that “no area within the City of Piedmont is within 0.5 mile of an existing major transit stop” and asserts that residences along the AC Transit 33 line in Piedmont are within 0.5 mile of an existing major transit stop, while Moraga Canyon is a mile from a major transit stop.

Pursuant to Public Resources Code Section 21064.3, a major transit stop is a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Although AC Transit 33 operates at 15-minute intervals during the weekday peak commute hours, it does not intersect another bus route in Piedmont with 15-minute headways and therefore it does not constitute as a major transit stop under CEQA. No revisions to the Draft EIR have been made in response to this comment.

### **Response 13.17**

The commenter refers to Appendix G to the Draft EIR and states that the traffic analysis charts do not show existing or projected traffic on Moraga Avenue between Highway 13 and Highland Avenue, which would be the most heavily impacted roadway with the addition of 132 units.

Pursuant to California Public Resources Code section 21099(b)(2) and *CEQA Guidelines* Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS). Nonetheless, Appendix G, Congestion Management Program Analysis, of the Draft EIR analyzed SR 13 northbound between Moraga Avenue and SR 24 and found that the proposed project would not result in a substantial effect on CMP roadway segments since it would not result in any of the analyzed CMP segments to deteriorate from LOS E to LOS F. The section of Moraga Avenue between Highway 13 and Highland Avenue is not a CMP-designated network and therefore was not analyzed in Appendix G. No revisions to the Draft EIR have been made in response to this comment.

Letter 14

**From:** Liz Lummis <email address redacted>  
**Sent:** Monday, December 18, 2023 4:50 PM  
**To:** Kevin Jackson <kjackson@piedmont.ca.gov>  
**Cc:** Tom O'Neil <email address redacted>; Keith Dierkx <email address redacted>; Laura <email address redacted >  
**Subject:** EIR response

You don't often get email from [lizlummis@gmail.com](mailto:lizlummis@gmail.com). [Learn why this is important](#)

**[EXTERNAL]** This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear Kevin,

In response to the Environment Impact Report:

We are very concerned with the noise impact, not just during construction, but ongoing as sound echoes throughout the canyon. I think of all the thought and attention that the sound pickle balls make at the Linda Beach Park courts; the same time and attention in the very least should be brought to the impacts the Moraga Canyon neighborhoods are apt to experience, and be addressed with further attention and mitigation.

1

Further, we disagree with what we read regarding AES-4. The new sources of light and glare will indeed directly impact the views, quality of life and darkness we enjoy at night.

2

We moved to our homes specifically for the peace, quiet and beautiful views, all of which will be impacted by the proposed special plan.

3

Sincerely,

Liz and Tom O'Neil  
Laura and Keith Dierkx

--  
**Liz Lummis O'Neil**, Insurance Agent  
CA Insurance License #4282724  
(415) 637-7595  
**Cord Neal**, Broker and Financial Services Professional

CA Insurance License #0E60947

[chneal@hmoinsurance.com](mailto:chneal@hmoinsurance.com)

(707) 689-0777

## Letter 14

**COMMENTER:** Liz Lummis O’Neil and Tom O’Neil, Laura and Keith Dierkx

**DATE:** December 18, 2023

### **Response 14.1**

The commenters express concern regarding noise impacts during construction and operation, as well as sound echoing through Moraga Canyon. The commenters suggest that further attention and mitigation is required.

Please refer to Response 11.2 and also refer to the additional information on echoing in Chapter 3, *Revisions to the Draft EIR*.

### **Response 14.2**

The commenters express disagreement with the discussion of Impact AES-4 in Section 4.1, *Aesthetics*, of the Draft EIR, suggesting that new sources of light in the MCSP area would directly impact views, quality of life, and darkness.

Please refer to Response 11.1.

### **Response 14.3**

The commenters provide an opinion that peace and quiet and views would be impacted by the MCSP.

The commenters’ opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

# Pathway to Piedmont Parks & Affordable Housing Joint Development

Letter 15

To: Piedmont Planning EIR Comments

Date: December 18, 2023

FM: John Cheney

Re: EIR Moraga Canyon Comments: REZONING PIEMONT  
RESERVOIR #2 for Housing, Parks and Fields of Play

Opportunity: The existing EBMUD Reservoir #2 has been mothballed for 30 years.

The Reservoir #2 could easily support affordable housing for over two hundred (200) units for Teachers, City Employees and general affordable housing.

Piedmont residents support the fast track integration of RHNA housing goals and 3 acres public park with dual access is from an industrial driveway above from Blair Avenue and ROW to Moraga below.

1

2

Ask:

#1 Sports and Housing groups request that the City of Piedmont lead with EBMUD by rezoning the Blair Reservoir for high density housing and open public space for parks and playing fields, ahead of permission to sell from EBMUD.

3

#2 That Piedmont Reservoir #2 be integrated with the Moraga Canyon plan for long term public development, linking from the top of open space to Moraga Canyon via ROW owned by EMBUD, for a long term Open Space and Housing Element integrated Master Plan.

4

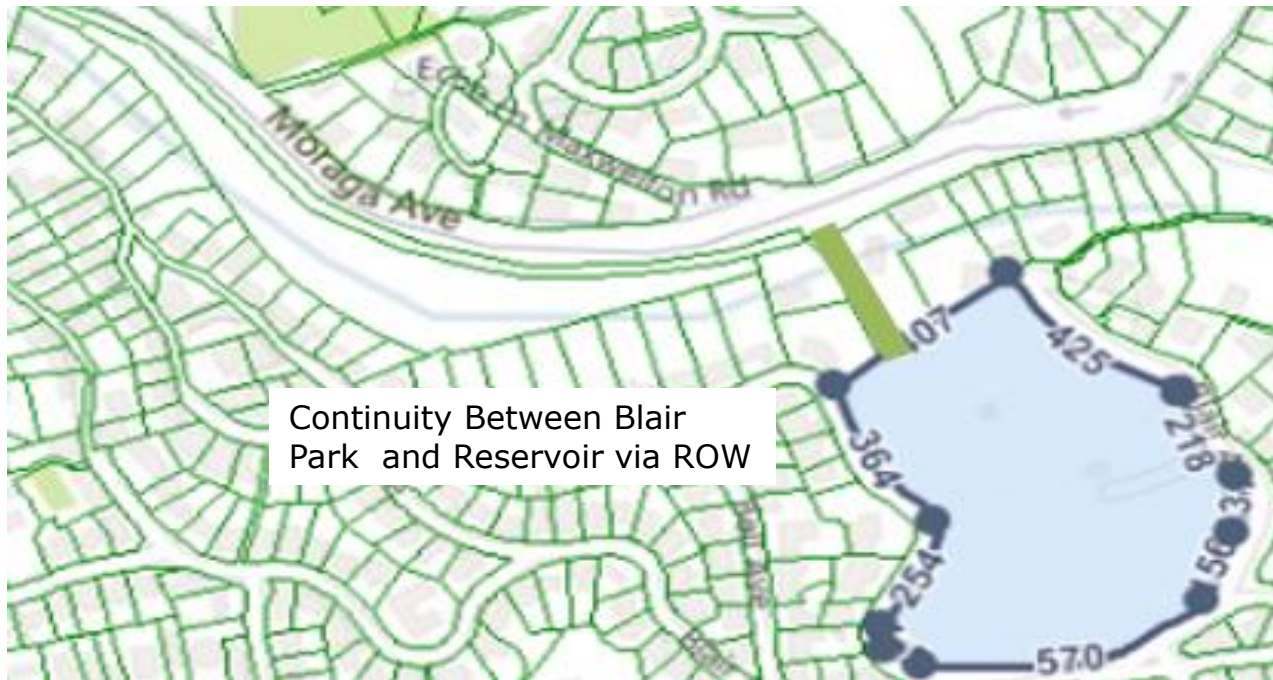
# Location: Mothballed EBMUD's Piedmont Reservoir #2

Provides an opportunity to fast track RHNA and quality of life goals for all citizens

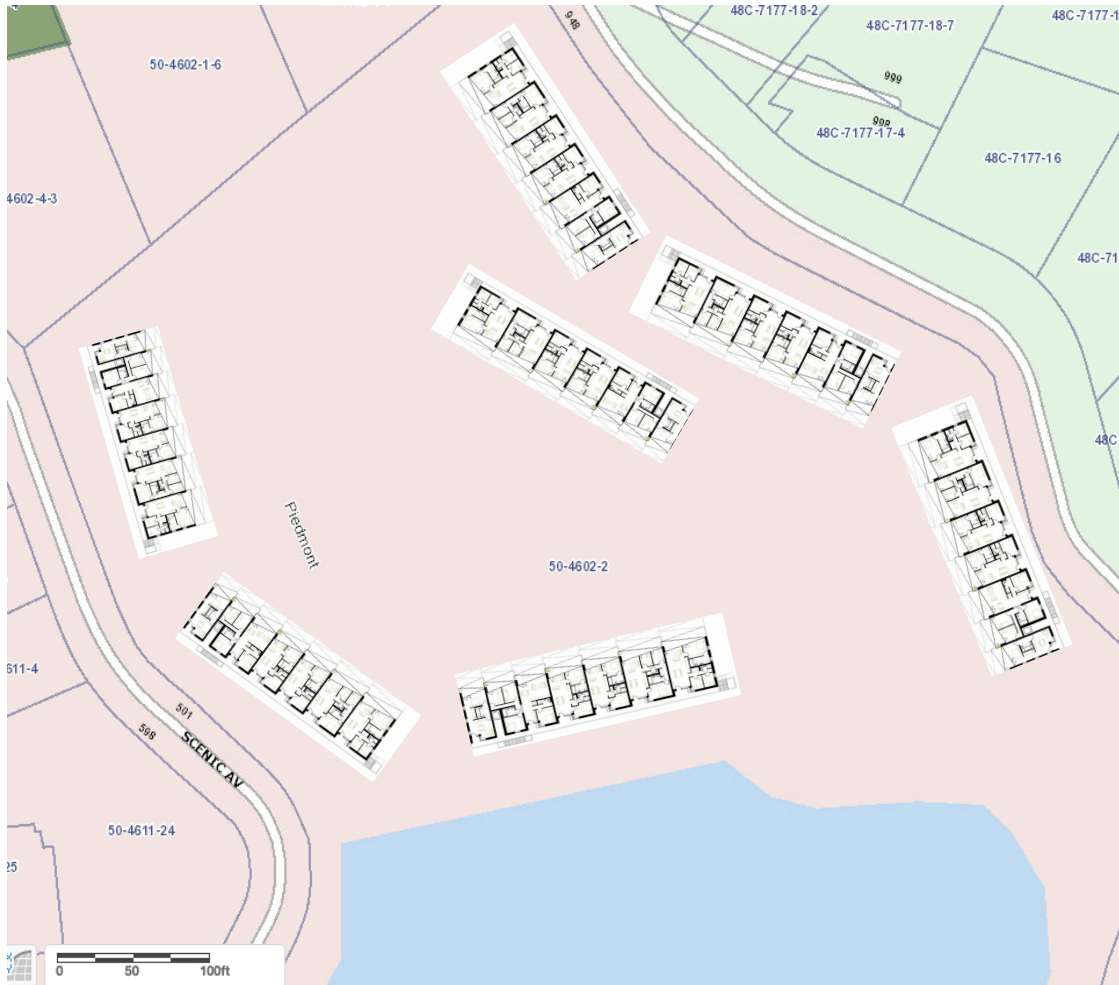


# Unique RHNA housing and park expansion

Connecting EBMUD's mothballed Reservoir to Piedmont's Blair Park



# Placement support for 224 units



Example 28 Units @ 150ft x 45ft award winning modular housing





Satellite map shows the Reservoir is primed for continued open space use at the top of Blair Avenue, with housing up to 200 Units below Blair with primary access from Moraga Avenue



The field use atop the location can provide easy access to water tanks if needed in the future.

Mothballed restricted open space can become the new accessible commons...



# Integrated fields of play, parks and housing increase quality of life in Piedmont and region



## Restricted space can become common public use



With Par Course fitness stations and much more...



# Mature vegetation helps integrate housing and park to the exiting neighborhood



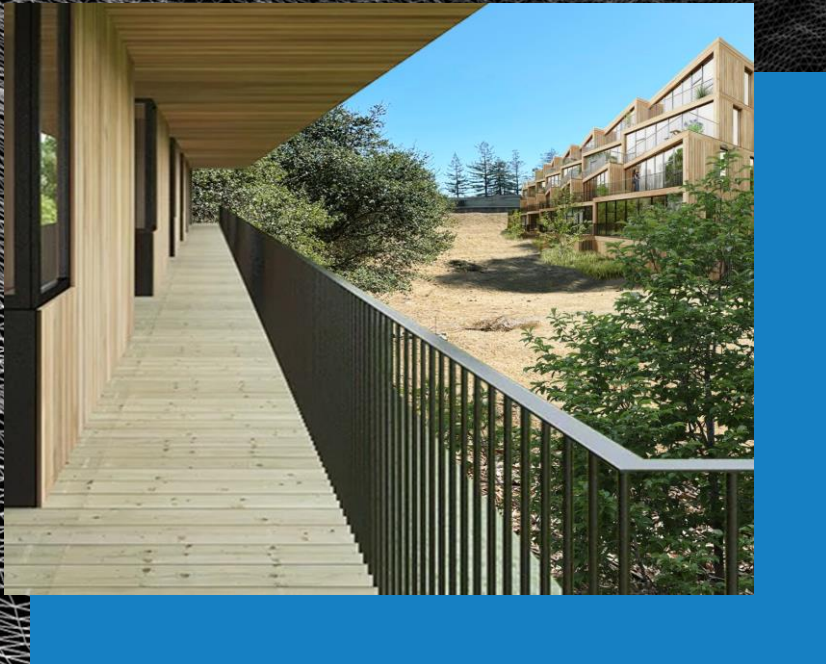
# Explore the possibility of the new affordable Teachers Housing and Commons



A new Piedmont Master Plan can help guide our community's search for quality.







# EIR Moraga Canyon Educator Housing and Strategic Options for Piedmont PUSD

Moraga Canyon  
Educator Housing

**Q4 2023**

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# Current Conditions Impacting PUSD Educator Housing in Piedmont

Current market conditions are placing downward pressure on school quality and PUSD financial resources

Market Condition	Explanation
<b>Accelerating Unaffordable Housing</b>	<ul style="list-style-type: none"><li>• <i>Increasing housing costs = teacher turnover, uncompetitive offers with fewer strategic solutions for PUSD</i></li></ul>
<b>Competing Districts are Creating Solutions</b>	<ul style="list-style-type: none"><li>• <i>Top Tier School Districts are building educator housing &amp; growing = more competitive offerings than PUSD</i></li><li>• <i>PUSD's shrinking student body = systemic risk</i></li></ul>
<b>Fewer PUSD Options Drive New Playbook</b>	<ul style="list-style-type: none"><li>• <i>Traditional tools used by PUSD are at their limit. Several market conditions have combined to force strategic change at PUSD or face long term deterioration</i></li></ul>

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# One Time Strategic Opportunity to Transform Piedmont

The City of Piedmont, Tax Payers and PUSD are aligned in fundamental community goals

Market Condition	Explanation
<b>Assembly Bill 2295 is Law in 2024</b>	<ul style="list-style-type: none"><li>• <i>AB 2295 establishes the right of districts to build housing up to 3 stories on School property under local review but exempt from State Architect rules.</i></li></ul>
<b>The City is Allowed to Trade or Sell Land to PUSD</b>	<ul style="list-style-type: none"><li>• <i>Affordable housing built by PUSD for educators qualifies for RHNA requirements</i></li><li>• <i>PUSD can drive lower housing costs, design, earmark housing for educators, work with Public-private partnerships</i></li></ul>
<b>New Options Drive New Playbook</b>	<ul style="list-style-type: none"><li>• <i>PUSD can act without risking credit ratings or financial damage to the City or PUSD</i></li><li>• <i>PUSD can move faster than the City or private developers</i></li></ul>

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# Opportunity: Educator Housing as a Core Strategy for Piedmont

Current Piedmont and PUSD can housing to transform Piedmont and community culture

Market Condition	Explanation
<b>Piedmont sell/trades land to PUSD</b>	<ul style="list-style-type: none"><li><i>PUSD can buy or trade land &amp; build housing matching City's plans in Moraga Canyon. PUSD (&amp; City) can control design esthetics, public commons using PUSD's exempt status to speed building time to market.</i></li></ul>
<b>Public-private partnership</b>	<ul style="list-style-type: none"><li><i>PPPs allow PUSD to stay in control. Funding and risk management drives affordable housing quality while reducing headwinds of rising interest rates and educator's affordable housing costs.</i></li></ul>
<b>Risk Mitigation &amp; Public Values</b>	<ul style="list-style-type: none"><li><i>PUSD/PPP housing can retain educators, first responders and civic employees to live and work In Piedmont, making a positive impact on community culture, the public commons of parks, playing fields and open space.</i></li></ul>

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# Opportunity: The Real Value of Public-private partnerships

Current PUSD can capitalize on risk-management capabilities of the private sector

Market Condition	Explanation
<b>Public-private partnerships (PPPs)</b>	<ul style="list-style-type: none"><li>• <i>PPPs can boost the efficiency and effectiveness of projects from development to end of operation.</i></li><li>• <i>PPPs should not be seen as magic instruments for public sector financing gaps</i></li></ul>
<b>Public-private partnerships</b>	<ul style="list-style-type: none"><li>• <i>PPPs can spread financing costs over a more extended period and thus free up public funds where private sector cannot (e.g. PUSD operating budget shortfalls).</i></li></ul>
<b>Risk Mitigation &amp; Public Values</b>	<ul style="list-style-type: none"><li>• <i>Transferring specific risks of a project from PUSD to PPPs - including development, construction, operation to private sector investors (and lenders) - leverages risk-management capabilities of the private sector and markets</i></li></ul>

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## Contact

**John Cheney**

415-425-7180

Johnacheney@gmail.com





## Transmittal

To: Geoffrey Grote, City Administrator      Date: April 7, 2011

Company: City of Piedmont      Project: Blair Park

Address: 120 Vista Avenue      Project No: 200814  
Piedmont, CA 94611

Subject: Traffic Calming Alternatives

From: Clarence D. Mamuyac, Jr., AIA,  
LEED® AP, NCARB

WE ARE SENDING				VIA	
<input checked="" type="checkbox"/>	Enclosed		For approval	<input checked="" type="checkbox"/>	e-Mail
	Under separate cover	<input checked="" type="checkbox"/>	For information		Airborne
	Originals	<input checked="" type="checkbox"/>	As requested		Fed Ex
	Reproducibles		For review & comment		DHL
	Prints	<input checked="" type="checkbox"/>	For distribution to LSA		Messenger
	Photocopies				UPS
<input checked="" type="checkbox"/>	PDF				Our repro service

No. of Copies	Dated	Description
1 pdf	April 4, 2011	Nelson Nygaard memorandum dated April 4, 2011

Should you have any questions, please do not hesitate to contact me.

All the best,

Clarence

cc

PRFO Executive Committee

Jessica Berg, President

Steve Schiller, Vice President

Valerie Matzger, Secretary

Glyn Burge, Treasurer

Steve Ellis

Mark Menke

Karen Sullivan

Eric Havian, General Counsel

Alexis Pelosi, Sheppard Mullin

Andy Ball, Webcor

# MEMORANDUM

To: Clarence Mamuyac, ELS Architects  
From: Michael Moule, PE, TE  
Date: April 4, 2011  
Subject: Blair Park – Moraga Avenue Traffic Calming Alternatives

## Introduction

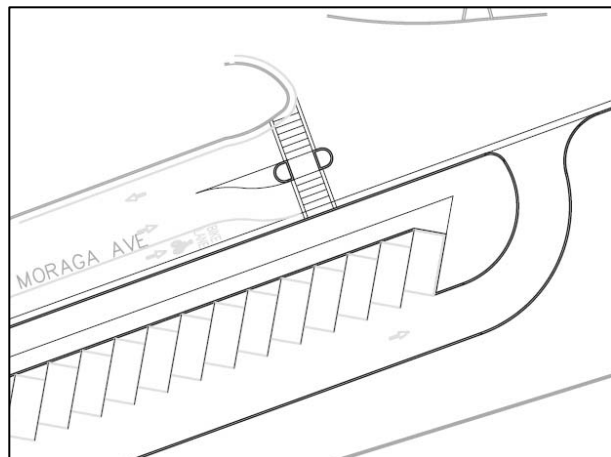
The Environmental Impact Report (“EIR”) for the Moraga Canyon Sports Fields Project recommended several solutions to calm traffic and improve the ease and safety of pedestrians crossing Moraga Avenue at and near Blair Park. This memorandum discusses and analyzes other alternate traffic calming measures that could also reduce traffic speeds and enhance pedestrian safety in the area. Those measures include: (1) a pedestrian crossing at Maxwellton Road; (2) a roundabout at Red Rock Road; and, (3) a roundabout at Maxwellton Road.

The impacts and benefits of each proposed traffic calming measure are discussed below.

## Pedestrian Crossing at Maxwellton

A pedestrian crosswalk at Maxwellton Road would provide access for pedestrians between the north side of Moraga Avenue and the Blair Park fields.

The EIR recommends a crosswalk at Red Rock Road. It may also be appropriate to place another crosswalk at Maxwellton Road. The recommended crosswalk location is approximately where the crosswalk is shown on the image at right. With this placement, no specific pedestrian facilities would need to be built on the north side of Moraga. Pedestrians would simply walk across Moraga directly onto the roadway surface of Maxwellton Road (as dog walkers and others currently do when accessing the park site from Maxwellton Road).



Whether a crosswalk at this location would improve the ease and safety of pedestrian access depends on sight distance. Sight distance means not only stopping sight distance for vehicular traffic to the crosswalk, but also pedestrian sight distance up and down Moraga Avenue. The necessary stopping sight distance is 155 feet for 25 mph and 250 feet for 35 mph. At the



proposed pedestrian crossing at Maxwellton, the available sight distance would be approximately 260 feet for eastbound traffic and 390 feet for westbound traffic. Thus the available sight distance would be sufficient for stopping sight distance, even if traffic continues to travel at the existing speeds.

With regard to pedestrian sight distance, the key is how far pedestrians can see in order to feel comfortable entering the street. The curb to curb distance on Moraga Avenue is 30 feet. At the normal walking speed of 3.5 feet per second, it takes a pedestrian 8.5 seconds to cross Moraga Avenue. A vehicle traveling at 35 mph travels 440 feet in 8.5 seconds. At this speed a pedestrian preparing to cross the street cannot determine whether there is a gap in traffic that would allow them to fully cross the street if drivers do not yield to them. While the only required sight distance is that evaluated in the previous paragraph, the lack of 440 feet of sight distance might be a bit disconcerting to pedestrians as they are trying to cross the street. Therefore, other features should be considered to encourage yielding and otherwise improve the ease of pedestrians crossing the street.

There are several possible enhancements that should be considered for implementation at this crosswalk to encourage drivers to yield to pedestrians and otherwise make it easier for pedestrians to cross the street. These enhancements include the following measures:

1. High-visibility crosswalk markings. Longitudinal markings could be used and spaced to avoid the wheel paths of vehicles as shown in the image at right.
2. Illumination. The crosswalk should have adequate illumination so that pedestrians are visible at night.
3. Pedestrian crossing island. A small raised median island could be placed to provide a refuge for pedestrians when they are crossing the street, as shown in the image at right. By providing an island, pedestrians only need to look one direction at a time (pedestrians look to the left, cross to the island, and then look to the right, and cross the second half of the road).



This two-stage crossing technique provides pedestrians the adequate sight lines to be able to identify a gap in traffic that will allow them to cross, even if drivers do not yield to them. Research has shown that pedestrian refuge islands decrease pedestrian crossing crashes by about 40%. The island should preferably be 8 feet wide, but an absolute minimum of 6 feet wide in order to accommodate someone pushing a stroller or walking a bike. Placing an island at this location will require widening the street toward the parking lot at this location, and/or the elimination of the bike lane. It should be noted that any physical object placed in the roadway (including this proposed crossing island) will occasionally be hit by errant (usually speeding) motor vehicle drivers.

4. In-Street Pedestrian Crossing Sign. In addition to normal pedestrian crossing warning signs in advance of and at the crosswalk, the In-Street Pedestrian Crossing sign (R1-6, shown at right) could be placed on the centerline of the roadway or on a median island if one is used as described above.



5. Flashing yellow beacons. These could be installed on the pedestrian warning signs as shown in the image at left. The beacon would be activated by pedestrians. With a flashing yellow beacon, the crosswalk would operate under normal pedestrian right-of-way rules – motorists would be required to yield to pedestrians in the crosswalk. The beacon simply serves to provide additional notice that pedestrians are using the crosswalk when the beacon is flashing.
6. Rectangular Rapid Flash Beacon. As discussed above, a standard round flashing yellow beacon is beneficial, but there is a new experimental device called the Rectangular Rapid Flash Beacon (RRFB) as pictured at right. This beacon has a rapid, very bright LED flash that has been shown to result in much higher yielding rates than normal round beacons. The RRFB is not yet approved for use in California, but this approval may be coming soon. If the RRFB has been approved by the time the Blair Park project is constructed, it could be used instead of a round beacon.



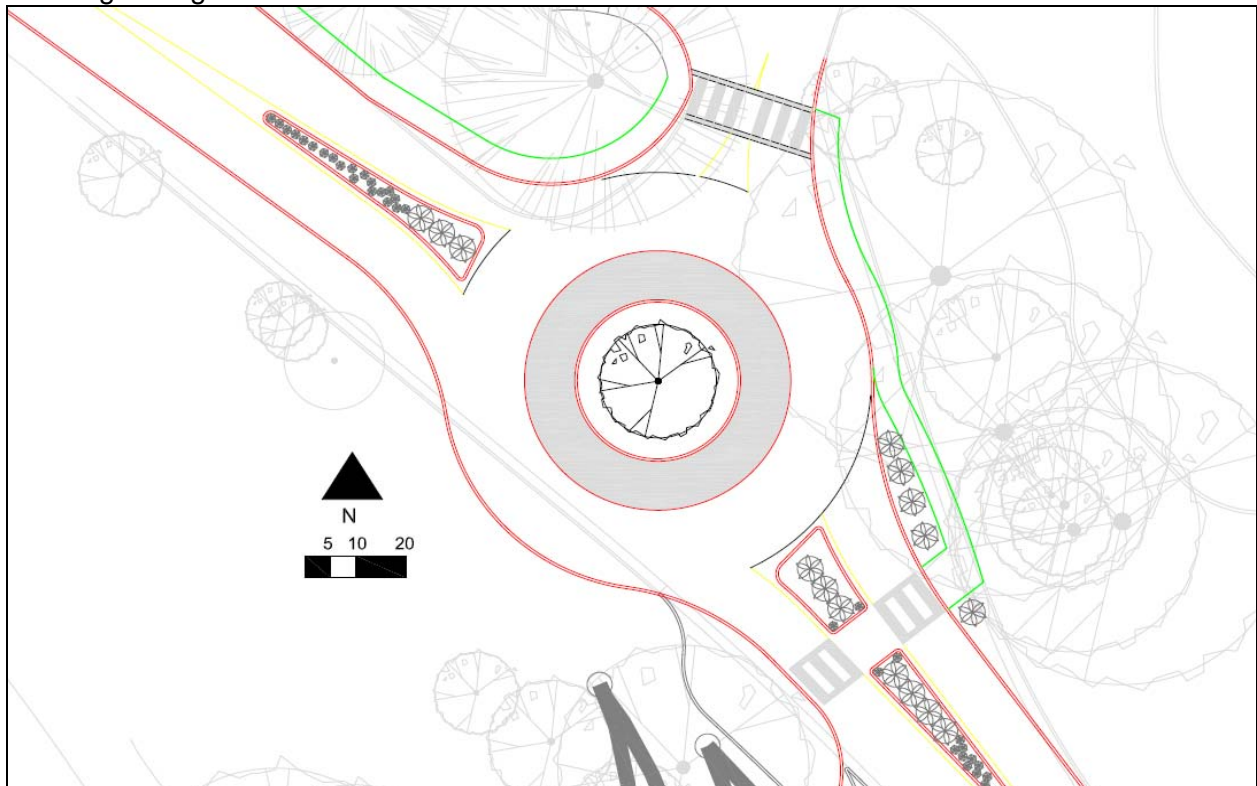
## Roundabouts

A roundabout is a type of intersection, but also acts as a traffic calming measure. Due to their geometric design, roundabouts slow vehicles traveling through them to about 15-20 mph. These slower speeds improve safety for all users by making it easier for drivers to react and avoid a crash, and by reducing the severity of crashes since there is less kinetic energy. Because roundabouts are a great traffic calming alternative they are discussed at two possible locations along Moraga Avenue: (1) at Red Rock Road and (2) at Maxwellton Road.

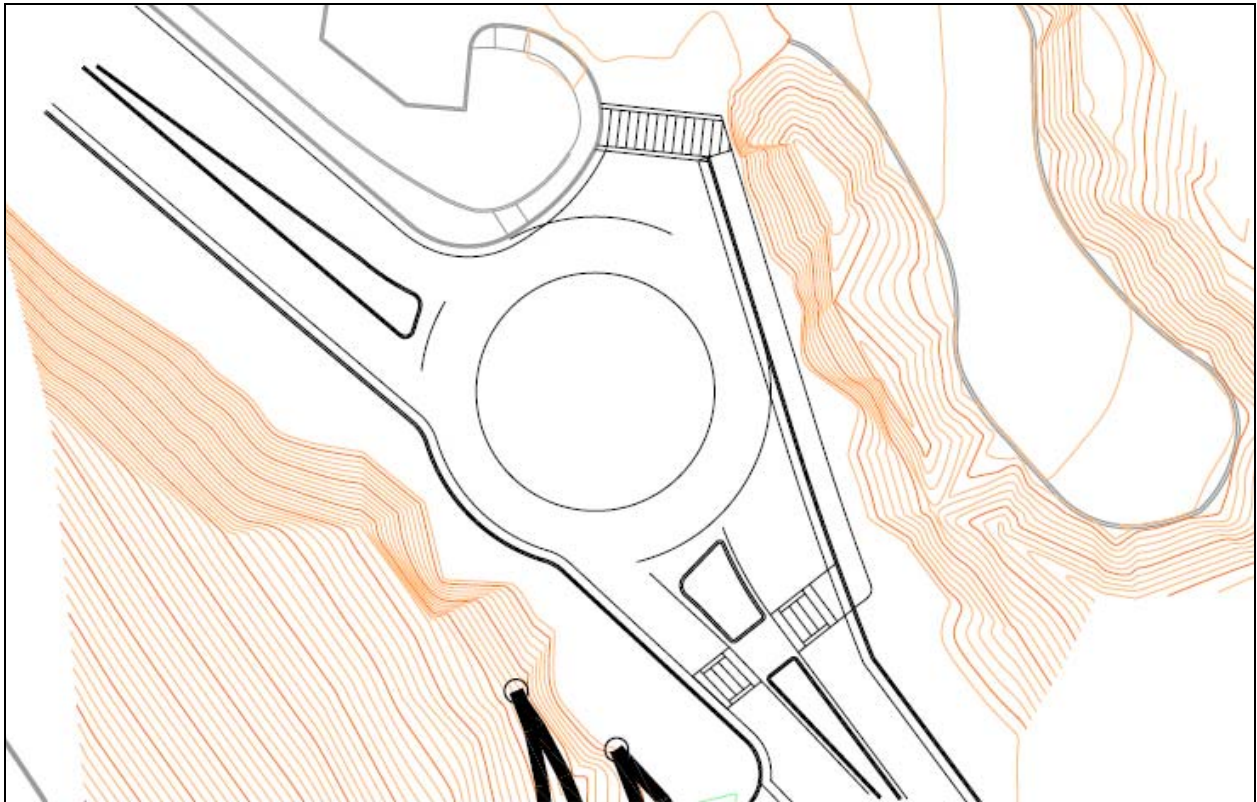
### Roundabout at Red Rock Road

A roundabout at the intersection of Moraga Avenue and Red Rock Road would physically reduce traffic speeds, enhance pedestrian safety, and control traffic at the intersection. This intersection provides access to Coaches Field and the City Corporate Yard, as shown below. There are two potential options for a roundabout at Red Rock Road: (1) an 85-foot diameter roundabout; and, (2) a 75-foot diameter mini-roundabout.

A roundabout at Red Rock Road could have an inscribed circle diameter of 85 feet and could include a mountable truck apron as well as a raised central island that would have landscaping installed, such as ground cover and a tree in the center. The conceptual design shown below is of this larger roundabout, which would require cutting into the existing embankment at the roundabout on the south side of Moraga Avenue. Cutting into the embankment is necessary to allow for the installation of a raised central island that can be landscaped, making the roundabout more visible to approaching drivers. However, a smaller roundabout would also address City concerns regarding traffic calming and improving ease and safety of pedestrians crossing Moraga Avenue at and near Blair Park.

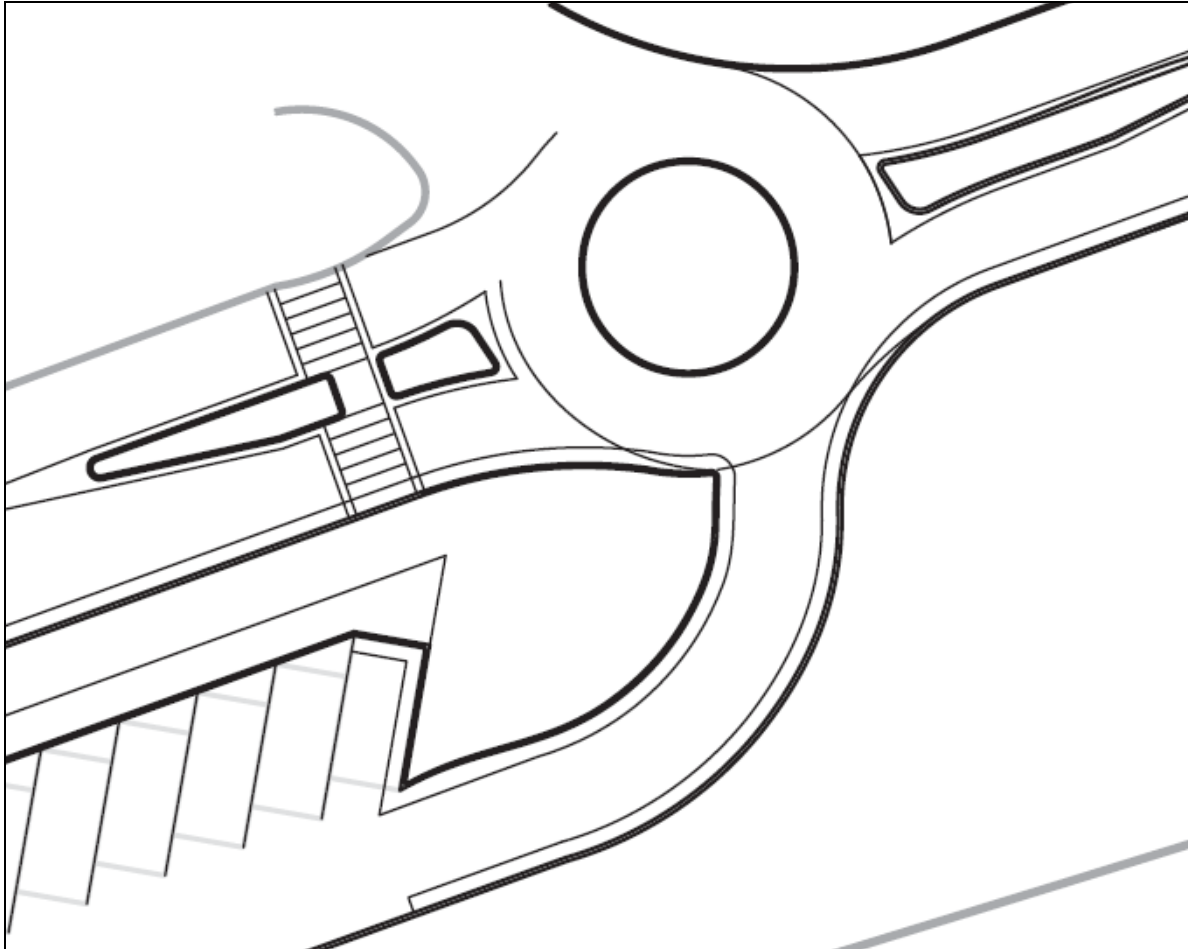


The intersection at Red Rock Road could also have a mini-roundabout with an inscribed circle diameter of about 75 feet, but with a fully-mountable central island so trucks can access the roundabout. The image below shows how such a mini-roundabout could fit approximately into the available existing intersection area. This smaller roundabout diameter reduces earthwork requirements while providing similar benefits to the larger roundabout design. Those benefits include physically reduced traffic speeds to 15-20 mph, enhanced pedestrian safety, and traffic control at the intersection.



## Roundabout at Maxwellton

A roundabout at the intersection of Moraga Avenue with Maxwellton Road and the exit of the easternmost proposed parking lot would physically reduce traffic speeds, enhance pedestrian safety, and control traffic at the intersection. As shown below this proposed roundabout is a mini-roundabout that would have an inscribed circle diameter of 51 feet. The entire central island would be mountable to allow for truck access.



## Benefits of a Roundabout on Moraga

Installation of each of the proposed roundabouts on Moraga Avenue would have many benefits as discussed below. The roundabouts do not need to be considered together as a package, but rather as two independent solutions that provide benefits at different locations.

### Slower Travel Speeds

As mentioned above, all of the roundabout designs proposed would slow vehicles traveling through them to about 15-20 mph due to their geometric designs. These slower speeds improve safety for all users by making it easier for drivers to react and avoid a crash, and by reducing the severity of crashes since there is less kinetic energy.

## **Landscaping**

Roundabouts provide an opportunity for landscaping. The larger roundabout design at Red Rock Road may include a raised central island where low shrubs may be placed, as well as at least one tree. The smaller mini-roundabout designs at Red Rock Road and Maxwellton Road include raised “splitter islands” between the entrance and exit lanes on the Moraga Avenue approaches that would be landscaped with low shrubs. The addition of landscaping in these areas indicates to approaching drivers that the environment is changing. Instead of seeing a continuous road ahead of them, they see landscaping in the middle, which causes them to slow down and change their driving behavior in a way that would be appropriate for driving past a park.

## **Ease and Safety of Pedestrian Crossings**

The installation of a roundabout along Moraga Avenue at either location would make it significantly easier and safer for pedestrians to cross the street. One major reason for this is the slower vehicle speeds, which would make it easier to find a gap in traffic. Lower speeds would also improve pedestrian safety because drivers could more easily react to avoid a crash if necessary. Additionally, the lower kinetic energy resulting from lower vehicle speeds significantly reduces the severity of pedestrian crashes. Research has shown that if a pedestrian is hit by a vehicle at 40 mph there is an 85% chance that the pedestrian will be killed, but if the crash occurs at 20 mph, the chance of being killed is only 5%.

Crosswalks proposed along Moraga Avenue should be located at a roundabout, as roundabouts are placed so that the raised splitter islands act as a refuge for pedestrians crossing the street. This allows pedestrians to cross only one direction at a time, greatly simplifying the crossing task, and reducing pedestrian crashes by up to 40%.

## **Improved Turning Movements**

A roundabout at Red Rock Road or Maxwellton Road would result in easier and safer turning movements to and from side streets and driveways onto Moraga Avenue.

Moraga Avenue has a curvilinear alignment. As noted in the Environmental Impact Report, this results in only marginally enough sight distance for reasonably safe turning movements to and from the proposed park driveways at the current 85<sup>th</sup> percentile speed on Moraga Avenue or 35 mph.

This is one of the major reasons why the EIR called for traffic calming measures on Moraga Avenue. As discussed above, installing roundabouts along Moraga Avenue would reduce traffic speeds at the roundabouts to about 15 to 20 mph. The roundabouts would also reduce vehicle speeds before and after each roundabout, likely resulting in lower overall speeds on the entire road frontage of Blair Park. The reduced speeds and the operation of the roundabout would make it easier to enter and/or exit each of the driveways and intersections in the vicinity of Blair Park.

The roundabouts would have the greatest benefits for left turn movements onto and off of Moraga Avenue. The largest benefits would be for drivers making left turns from minor streets or driveways onto Moraga Avenue where a roundabout is installed. Instead of looking both left and right to find a gap in 25 to 35 mph traffic, at a roundabout, drivers would only need to look to the left, and the approaching traffic would be traveling at no more than about 20 mph. At other

locations where drivers make left turns, any reduction in speed resulting from the installation of a roundabout would reduce the necessary sight distance, which would make it easier for drivers to find a gap in traffic and safely make their turn.

## Impacts of Roundabouts on Traffic Flow

Installation of roundabouts along Moraga Avenue would calm traffic and improve the ease and safety of pedestrians crossing the street, but would these roundabouts result in worse level of service along Moraga Avenue?

To analyze how the roundabouts would perform, Nelson\Nygaard staff used the same “opening year plus project” traffic projections used in the EIR traffic study. At Red Rock Road, the traffic projections were adjusted slightly to account for the fact that the roundabout design prohibits direct left turns into the entrance of the proposed westernmost parking lot at Blair Park. The traffic conditions were analyzed using Sidra Intersection traffic analysis software. For both the AM and PM peak hours, the table below compares the estimated delay (in seconds) and Level of Service (LOS) for stop control, as set forth in the EIR traffic study, to roundabouts. Level of Service is measured on a scale from A (least delay) to F (most delay). Each intersection is evaluated independently and the results for one intersection would be the same whether or not a roundabout is installed at the other intersection.

**Delay and Level of Service Comparison of Stop Control to Roundabouts  
Opening Year Plus Blair Park Project**

Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS
Moraga/Red Rock Road	1-way Stop Control	0.4 (19.9)	A (C)	3.2 (34.8)	A (D)
Moraga/Red Rock Road	Roundabout	2.2 (9.8)	A (A)	2.7 (6.4)	A (A)
Moraga/Maxwelton	2-way Stop Control	0.4 (24.1)	A (C)	1.9 (39.2)	A (E)
Moraga/Maxwelton	Roundabout	4.0 (12.0)	A (B)	4.2 (9.3)	A (A)

**Average delay and LOS for the entire intersection is listed first, followed by the delay and LOS for the worst approach (in parentheses).**

As shown in the table above, the overall delay is worse for the roundabouts when compared to stop control. This is due to the fact that with stop control, traffic on Moraga doesn’t stop or slow down; but with roundabouts, traffic on Moraga must slow down to negotiate the roundabout, and occasionally yield to a vehicle entering or exiting one of the side streets or driveways. Almost all of the additional delay calculated for the roundabout is a result of “geometric delay” for vehicles traveling along Moraga Avenue. Geometric delay is simply an estimate of how much more time it takes for vehicles to negotiate the intersection due to the fact that they must physically slow down to get through the roundabout. In other words, this is the extra time that is experienced by drivers when they must slow down from an average speed of about 30 mph to an average speed of about 15 to 20 mph at the roundabout.

When comparing the delay of the worst approach of the intersections (see values in parentheses), the roundabouts perform far better than two-way stop control. With stop control, during the PM Peak Hour, traffic on the Red Rock Road approach is estimated to experience 34.8 seconds of delay, which equates to Level of Service D. Likewise, traffic exiting the easternmost proposed parking lot is estimated to experience 39.2 seconds of delay, which

equates to LOS E. With roundabouts at both locations, the delay for these two approaches during the PM Peak Hour is estimated to be 6.4 and 9.3 seconds, both equating to Level of Service A. As such, while the roundabouts would result in a small amount of geometric delay along Moraga Avenue, the delay does not result in a reduction in Level of Service that would be considered potentially significant. The roundabouts result in far less delay for traffic on the minor streets when compared to the delay experienced in a stop-controlled environment.



## Letter 15

**COMMENTER:** John Cheney

**DATE:** December 18, 2023

### **Response 15.1**

The commenter states that the EBMUD Reservoir 2 site could support affordable housing for over 200 teachers, city employees and affordable housing.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 15.2**

The commenter states that Piedmont residents support integration of RHNA housing goals and three acres of public park with dual access from an industrial driveway above from Blair Avenue and right of way to Moraga Avenue below.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 15.3**

The commenter states that sports and housing groups request that the City rezone the Blair Reservoir for high density housing and open public space for parks and playing fields, ahead of permission to sell from EBMUD.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response 15.4**

The commenter requests that Piedmont Reservoir 2 be integrated with the MCSP for long term public development, linking from the top of open space to Moraga Canyon via right of way owned by EBMUD, for a long-term Open Space and Housing Element integrated Master Plan.

The commenter's opinions are noted and will be forwarded to City decision-makers for consideration. This comment does not relate directly to the adequacy of the information or analysis within the Draft EIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response to Attachments**

The commenter provides attachments in the form of diagrams, a presentation related to educator housing and strategic options for the Piedmont school district, and a memorandum from April 4, 2011 regarding the Moraga Canyon Sports Fields Project. These attachments do not directly contain comments on the findings or conclusions of the Draft EIR. No revisions to the Draft EIR have been made in response to these attachments.

### 3 Revisions to the Draft EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR section number and page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; *CEQA Guidelines* Section 15088.5.)

The following revisions have been made to the Draft EIR.

#### Executive Summary

The following revisions have been made to Table ES-1.

**Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts**

Impact	Mitigation Measure (s)	Residual Impact
<b>Hazards and Hazardous Materials</b>		
<p><b>Impact HAZ-3.</b> Implementation of the proposed project would accommodate development on or near hazardous materials sites. However, compliance with applicable regulations and standard conditions of approval requiring site characterization and cleanup would minimize hazards from development on contaminated sites. Impacts would be less than significant with mitigation incorporated.</p>	<p><b>MCSP-HAZ-1 Property Assessment - Phase I and II ESAs.</b> Prior to the issuance of any <del>grading, building, demolition,</del> or grading permit for development in the Moraga Canyon Specific Plan Area, the project applicant shall retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project-specific Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site.</p> <p>If the Phase I ESA identifies recognized environmental conditions or potential areas of concern, the project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA for the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels. The Phase II ESA shall be completed prior to the issuance of any building permit authorizing construction, grading permit or demolition permit, and shall be based on the results of the Phase I ESA.</p> <p>As part of the Phase II ESA, the qualified environmental consultant (PG or PE) shall screen the analytical results against the San Francisco Bay Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels under various depth and land use scenarios. The City shall review and approve the Phase II ESA prior to the issuance of any building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present in the subsurface at the project site, the project applicant shall take appropriate steps to</p>	<p>Less than Significant.</p>

Impact	Mitigation Measure (s)	Residual Impact
	<p>protect site workers and the public. This may include the preparation of a Soil Management Plan (see Mitigation Measure MCSP HAZ-2) prior to issuance of a building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation (see Mitigation Measure MCSP HAZ-3) at the project site prior to onsite construction.</p> <p>The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition or grading permit.</p>	

## Section 2, Project Description

The following revisions have been made to Table 2-4 on Page 2-23 of the Draft EIR:

**Table 2-2 EIR Project Buildout**

Implementation Program	Units
<b>Sites Inventory<sup>1</sup></b>	
Likely Sites <sup>2</sup>	<u>651-519</u>
Pipeline Sites	1
Moraga Canyon Specific Plan	132
<i>Subtotal</i>	<i>652</i>
<b>Implementation Programs<sup>3</sup></b>	
ADU Incentive Programs and Technical Assistance	192
Program 4.M, Program 5.H, and Program 5.K	66
SB9 Implementation and Technical Assistance	40
State Density Bonus and Local Density Bonus	98
<i>Subtotal</i>	<i><u>394-396</u></i>
<b>Total</b>	<b>1,048</b>

<sup>1</sup> The sites associated with the sites inventory are listed in Table 2-2 and shown on Figure 2-3

<sup>2</sup> Likely sites includes estimated buildout associated religious affiliated housing (70 units) implementation programs.

<sup>3</sup> Units associated with growth under the implementation programs would mostly be distributed throughout Piedmont, though it is assumed 67 of these units could be developed in the MCSP Area from possible SB 9, ADU, and/or density bonus development in that area.

## Section 4.2, Air Quality

The following revision has been made to Table 4.2-3 on Page 4.2-9 of the Draft EIR:

**Table 4.2-3 BAAQMD Criteria Air Pollutant Screening Levels**

Land Use Type	Operational Criteria Pollutant Screening Size (du)	Construction Criteria Pollutant Screening Size (du)
Single Family Housing	421	254
Apartments	638	416
Condo-Townhouse	637	416
Mobile Home Park	721	377
Congregate Care/Retirement Community	1,008	416

du = dwelling unit; NOX = oxides of nitrogen; ROG = reactive organic gases  
Source: BAAQMD 2022

The following text revisions have been made on Page 4.2-16:

Additionally, sections of Moraga Avenue is are a-designated as a Class III bicycle lane, which connects to Highland Avenue, another Class III bicycle lane. Highland Avenue leads directly to schools, parks, and services in the city center which would encourage future residents to utilize bicycles instead of single-occupancy vehicles. The City’s Pedestrian and Bicycle Master Plan also envisions the development of a 10-mile designated bikeway network which would further connect future residents in Moraga Canyon to other areas of Piedmont. Therefore, impacts for the MCSP Area would be less than significant.

## Section 4.6, Geology and Soils

The following text revisions have been made on Page 4.6-5:

In general, the San Andreas Fault is likely capable of producing a Maximum Credible Earthquake of magnitude 8.0 on the Richter Scale. According to the third Uniform California Earthquake Rupture Forecast (UCERF3), the 30-year probability of the San Andreas Fault experiencing an earthquake of magnitude 6.7 or greater is 6.19 percent (Working Group on California Earthquake Probabilities 2021).

The following text revisions have been made on Page 4.6-5:

According to the UCERF3, the 30-year probability of the Hayward Fault experiencing an earthquake of magnitude 6.7 or greater is 27 14.3 percent (Working Group on California Earthquake Probabilities 2021).

The following text revisions have been made on Page 4.6-6

Piedmont is in an area identified by ABAG as having very low to low susceptibility to liquefaction (ABAG 2021). As shown in Figure 4.6-3, a small portion of the city along Grand Avenue and Fairview Avenue as well as north of Valant Place is susceptible to earthquake-induced liquefaction. Piedmont is generally located in areas of very low or low liquefaction risk, except for a small portion of the city southeast of the intersection at Grand Avenue and Oakland Avenue, which is located in an area with high liquefaction risk. In addition, there may be areas of uncompacted fill, such as within Moraga Canyon.

The following text revisions have been made on Page 4.6-8:

Figure 4.6-4 shows identified earthquake-induced landslide hazard zones in Piedmont. As shown in Figure 4.6-4, because of the varying topography, most of Piedmont is located within an earthquake-induced landslide zone, with the exception of the area along and adjacent to Highland Avenue, and the area northeast of Crocker Avenue. ~~is within moderate to very high landslide susceptibility zones. The western part of Piedmont generally has high landslide susceptibility, and the eastern part of the city generally has very high landslide susceptibility.~~ As mentioned in Piedmont's General Plan Environmental Hazards Element, the ~~The~~ risk of landslides is typically highest in Moraga Canyon, along Indian Gulch, in Piedmont Park, in the Wildwood Gardens area, along Park Boulevard, and in the Somerset Road area along the Oakland border (City of Piedmont 2009b).

The following text revisions have been made on Page 4.6-22:

As shown in Figure 4.6-3, Piedmont is generally not located in areas of ~~very low or low~~ earthquake-induced liquefaction risk, except for a small portion of the city along Grand Avenue and Fairview Avenue and north of Valant Place, as well as small portion of the city southeast of the intersection at Grand Avenue and Oakland Avenue which is located in an area with high liquefaction risk and areas with uncompacted fill such as in Moraga Canyon. Several housing sites are located within the liquefaction zone along Grand Avenue, and one housing site is located within the liquefaction zone north of Valant Place. ~~Three housing inventory sites are located adjacent to the high liquefaction zone east of Grand Avenue and one is within Moraga Canyon.~~ Full build-out of the proposed project would increase population, structural development, and infrastructure that would be exposed to these hazards.

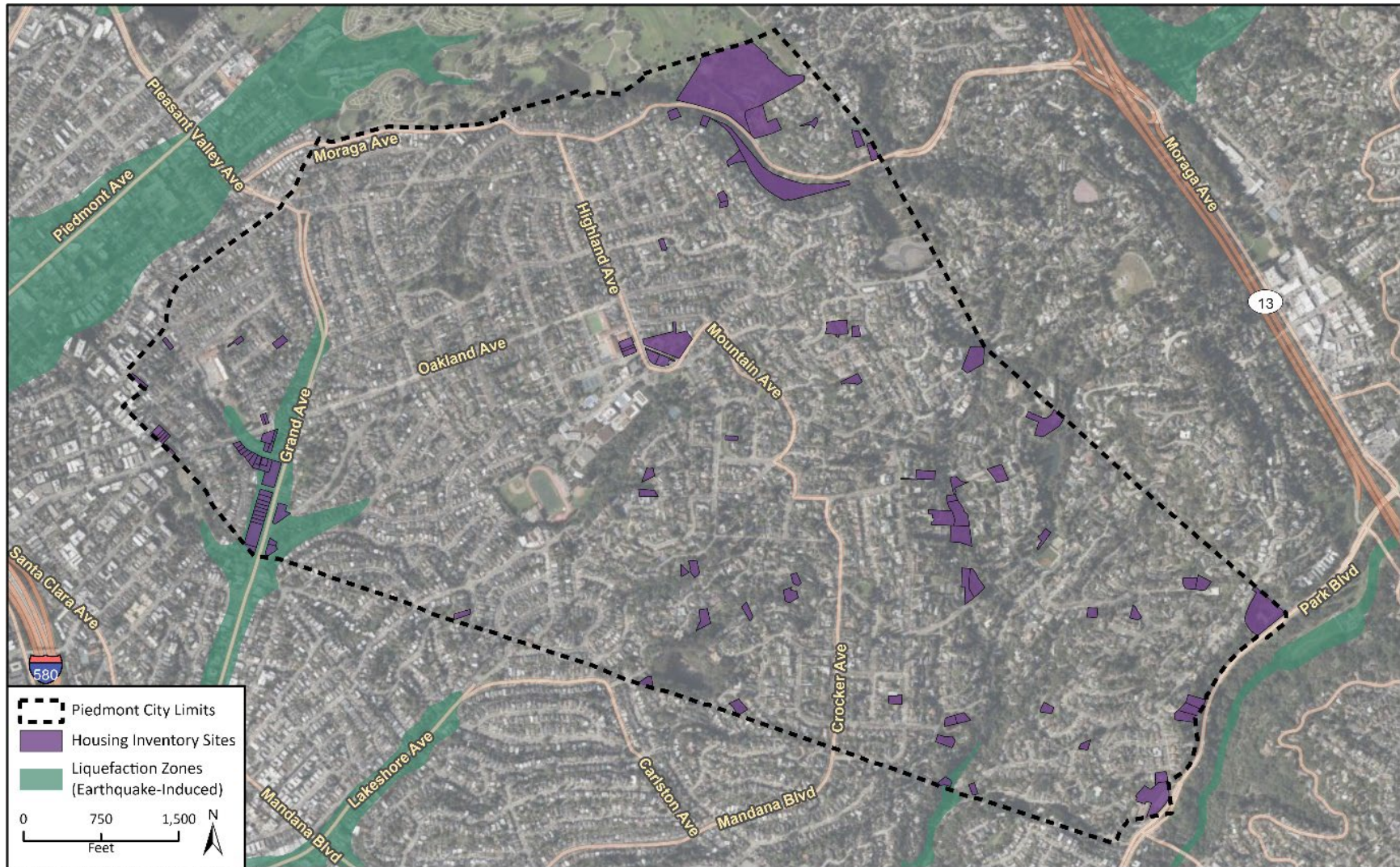
The following text revisions have been made on Page 4.6-22:

As shown in Figure 4.6-4, because of the varying topography, most of Piedmont is ~~within moderate to very high~~ located within an earthquake-induced landslide susceptibility zones ~~zone.~~ ~~The western part of Piedmont generally has high landslide susceptibility, and the eastern part of the city generally has very high landslide susceptibility.~~ Therefore, the increase in development potential allowed by the proposed project in these areas could result in impacts related to landslides.

The following text revisions have been made on Page 4.6-23:

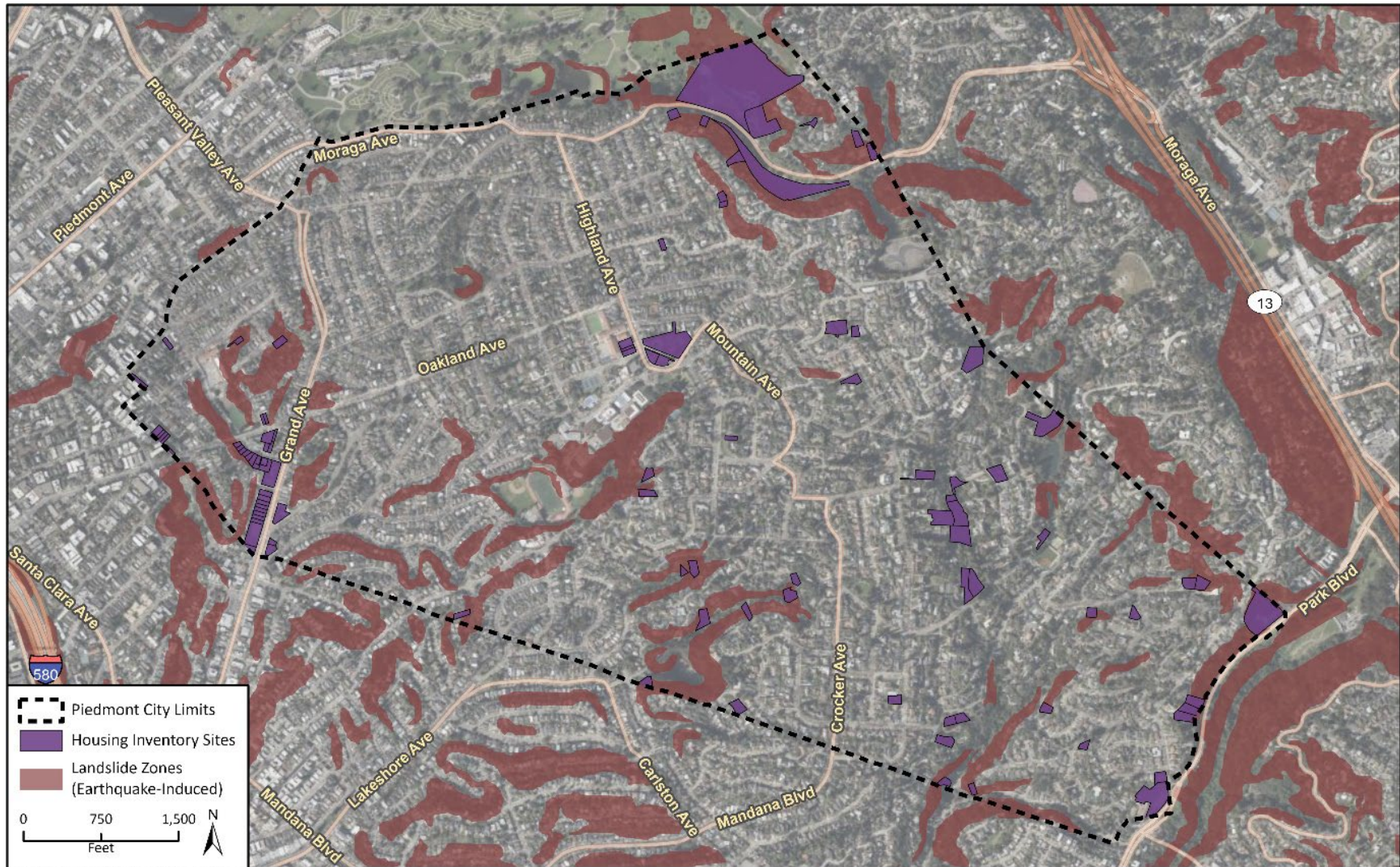
As shown in Figure 4.6-2 and Figure 4.6-3 ~~and Figure 4.6-4~~, the MCSP Area is not located within a ~~very low~~ liquefaction ~~potential~~ zone and has soil type with low shrink-swell potential (or expansivity). Most development would be anticipated to occur on areas of Moraga Canyon with gentler slopes, and development facilitated by the MCSP would be required to comply with the same State and local regulations as discussed above. Pursuant to Section R401.4.3 of the CBC, as incorporated into the PCC, development in the MCSP Area that would occur on slopes 20 percent or greater would be required to prepare a mandatory soils report, and recommendations in the report must be implemented; this would minimize potential impacts from geologic hazards. However, the MCSP Area is in a ~~very high~~ earthquake-induced landslide ~~potential~~ zone and contains areas of non-engineered fill. Therefore, impacts related to landslides and unstable soils in the MCSP would still be potentially significant.

Figure 4.6-3 Piedmont Liquefaction Susceptibility on Page 4.6-7 has been replaced with the following:



21-11542\_Piedmont\_HE  
Fig 4.6-1 Liquefaction in Piedmont

Figure 4.6-4 Piedmont Landslide Susceptibility on Page 4.6-9 has been replaced with the following:



21-11542\_Piedmont\_HE  
Fig 4.6-2 Landslide Susceptibility in Piedmont

### Section 4.7, Greenhouse Gas Emissions

The following revision has been made to Table 4.7-1 on Page 4.7-21:

**Table 4.7-4 Operational GHG Emissions**

<b>Emission Source</b>	<b>Annual Emissions (MT of CO<sub>2</sub>e)</b>
<b>Operational</b>	
Mobile	5,890
Area	67
Energy	825
Water	91
Waste	240
Refrigerants	1
<b>Operational Total</b>	<b>7,115</b>
Source: Appendix E	
<u>Note: numbers may not add up due to rounding</u>	

### Section 48, Hazards and Hazardous Materials

The following text has been revised on Page 4.8-19 through 4.8-20 of the Draft EIR.

#### **Mitigation Measures**

*MCSP HAZ-1 Property Assessment Phase I and II ESAs*

Prior to the issuance of any ~~grading~~<sup>grading, building, demolition,</sup> or grading permit for development in the Moraga Canyon Specific Plan Area, the project applicant shall retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project-specific Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site.

If the Phase I ESA identifies recognized environmental conditions or potential areas of concern, the project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA for the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels. The Phase II ESA shall be completed prior to the issuance of any building permit authorizing construction, grading permit<sub>2</sub> or demolition permit and shall be based on the results of the Phase I ESA.

As part of the Phase II ESA, the qualified environmental consultant (PG or PE) shall screen the analytical results against the San Francisco Bay Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels under various depth and land use scenarios. The City shall review and approve the Phase II ESA prior to the issuance of any building, grading<sub>2</sub> or demolition permit.

If the Phase II ESA for the project site indicates that contaminants are present in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan (see



Mitigation Measure MCSP HAZ-2) prior to issuance of a building, grading, or demolition permit.

If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation (see Mitigation Measure MCSP HAZ-3) at the project site prior to onsite construction.

## Section 4.10, Noise

The following text has been added to Page 4.11-18 through 4.11-19 of the Draft EIR.

### *Moraga Canyon Specific Plan*

Construction activities in the MCSP Area would generate noise around the area in a similar manner as discussed above for citywide Housing Element Implementation. Due to the topography of the MCSP Area, construction associated with housing development under an adopted MCSP could include large projects involving relatively lengthy construction durations (i.e., longer than 18 months), and associated construction noise. In addition, the MCSP Area is adjacent to noise-sensitive receivers including residences. Based on typical construction equipment noise levels, the anticipated duration of construction activities, and type of equipment used for larger housing developments, construction and development pursuant to an adopted MCSP could exceed FTA noise limits and result in significant construction noise impacts on a project-specific basis at nearby sensitive receivers. Therefore, this impact is potentially significant.

While future development in the MCSP Area would involve development in a canyon, it is not anticipated that effects associated with echoing or sound reflection would substantially increase noise related to construction. In general, mostly vegetated and only partially developed slopes such as those in and around Moraga Canyon do not offer hard, flat surfaces for significant reflection or echoing. Reflected noise would attenuate at the same rate as it would traveling in a straight line (i.e., the shortest distance from the source to the receiver). A substantial amount of sound energy is lost when noise travels from one end of a canyon to the other, reflects, and then travels back to the receiver. As explained in the Setting section under "Fundamentals of Noise," noise from a point source (e.g., construction, industrial machinery, ventilation units) typically attenuates, or drops off, at a rate of 6 dBA per doubling of distance. Therefore, by the time noise travels from one side of the canyon to the other it would attenuate substantially.

For example, assuming approximately 100 feet from one part of the canyon to another, a conversation of approximately 60 dBA at 3 feet would attenuate by an estimated 30 decibels at a distance of 100 feet from the source. By the time the sound traveled the 100-foot distance back across the canyon, the noise level would further attenuate before it reached the receiver. In addition, the presence of intervening structures would further attenuate noise. The contribution of noise that is more than 10 dBA below a baseline noise level is negligible. Therefore, the "echo" or reflection would have a negligible effect on overall noise levels above those experienced by the receiver from non-reflected noise traveling the shortest distance from the source to the receiver.

The following text revisions have been made on Page 4.11-21:

#### *Moraga Canyon Specific Plan*

Residential development facilitated by an adopted MCSP would generate on-site operational noise from stationary sources and off-site operational noise from vehicle trips similar to that discussed above. Typical noise sources associated with residential uses include stationary HVAC equipment, on-site vehicle movement (e.g., delivery and trash hauling), outdoor activities, and off-site traffic. For the same reasons as described above under Citywide Housing Element Implementation, impacts associated with operational noise for future development pursuant to an adopted MCSP would be less than significant. Development pursuant to the MCSP could also involve moving recreational uses, such as those associated with Coaches Field and Kennelly Skate Park, and Public Works Department operations, such as the operation of the Corporation Yard, to different locations within the MCSP Area. However, noise-generating activities associated with recreational uses and Public Works Department operations would be similar to those of Piedmont’s developed and urbanized environment and, within the MCSP study area, would occur only during daytime hours (not during regular sleep hours). The programming and hours of operation of city recreation and Public Works operations would continue to be subject to City Council authority and would be subject to noise standards in the Piedmont General Plan and PCC. For the same reasons as described under Impact NOI-1 related to construction, the “echo” or reflection effect in the canyon would have a negligible effect on overall operational noise levels above those experienced by the receiver. Therefore, impacts ~~Therefore, impacts~~ associated with operational noise in the MCSP Area would be less than significant.

The conditions of operational roadway traffic noise in the MCSP Area would be similar to those discussed for the Citywide Housing Element Implementation analysis, above. Traffic volumes on streets would not double such that ~~double~~ traffic noise would increase by 3 dBA CNEL or more, and, therefore, increases in traffic noise would be less than perceptible. Therefore, development facilitated by an adopted MCSP would not substantially add traffic volumes and would not increase associated traffic noise. Impacts related to increases in roadway noise would be less than significant.

### **Section 4.13, Public Services and Recreation**

The following text revisions have been made on Page 4.13-17:

In addition, as discussed above, future development in the MCSP Area could result in a reduction of acreage of the parks and recreational facilities in the MCSP Area. Conservatively assuming ~~the facilities~~ Blair Park, Coaches Field, and the Kennelly Skate Park are removed and replaced with housing, the removal of these ~~two~~ facilities would result in a decrease of approximately 7.5 acres of parkland within the city.

### **Section 4.14, Transportation**

Page 4.14-20 (*Impact T-1*) has been revised as follows:

The proposed project is also consistent with the 2021 *Piedmont Climate Action Plan* because the proposed project is estimated to reduce the home-based VMT per resident and the associated GHG emissions in the City of Piedmont, as described later in this section.

Caltrans recently adopted the California Transportation Plan (CTP) 2050 on February 2021, which aims to create a safe, resilient, and universally accessible transportation system that supports communities, advances racial and economic justice, and improves public and environmental health. CTP 2050 has identified eight goals in the areas of safety, climate, equity, accessibility, quality of life and public health, economy, environment, and infrastructure (Caltrans 2021). The following objectives are applicable to the proposed project:

- **Climate Objective 1: Advance a clean, carbon neutral transportation system.** This objective aims to meet GHG reduction targets, move the transportation sector away from dependence on carbon-based fuels, and position California to achieve full carbon neutrality over the plan horizon.
- **Accessibility Objective 1: Increase access to destinations.** Accessibility can be improved not only through transportation system enhancements, but through compact, diverse land uses that support multiple modes and facilitate shorter and more convenient trips.
- **Environment Objective 1: Improve air quality and minimize pollutants from transportation.** Transportation is the largest contributor to statewide GHG emissions. Criteria air pollutants such as particulate matter, carbon monoxide, nitrogen oxide, and volatile organic compounds have been linked to a wide range of public health issues. This objective aims to reduce pollutants and improve health outcomes.

The proposed project would be consistent with the goals and objectives of the CTP 2050 by facilitating development of housing within the urbanized areas of the city, as well as near or adjacent to corridors served by Class II and Class III bicycle lanes and bus stops, such as Oakland Avenue, Highland Avenue, Hampton Road, Park Boulevard, and Moraga Avenue. By locating rezone sites in proximity to bus stations and Class II and Class III bicycle lanes, the proposed project would encourage walking or the use of bicycles and reduce reliance on single-occupancy vehicles, thereby reducing VMT and GHG emissions. In addition, future development facilitated by the project would be required to comply with the most updated EV requirements outlined in Title 24 at the time of construction, which would further reduce GHG emissions. Therefore, the proposed project would not conflict with Caltrans' CTP 2050.

Therefore, the proposed Housing Element Implementation project, including development pursuant to an adopted Moraga Canyon Specific Plan, would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and bicycle and pedestrian facilities.

## Section 7, References

The following references have been added to the references section:

Caltrans. 2021. California Transportation Plan 2050. Adopted February 2021.

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/ctp-2050-v3-a11y.pdf>

Working Group on California Earthquake Probabilities. 2021. The Third California Earthquake Rupture Forecast (UCERF3). <https://wgcep.org/UCERF3>

## **4 Mitigation Monitoring and Reporting Program**

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CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final Environmental Impact Report (Final EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

City of Piedmont  
**2023-2031 Housing Element Implementation Project**

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<b>Geology and Soils</b>					
<b>MCSP-GEO-1 Geotechnical Assessment for Moraga Canyon Specific Plan Area</b>					
A geotechnical assessment shall be prepared for development in the Moraga Canyon Specific Plan Area by a qualified engineer prior to issuance of a grading permit. The geotechnical assessment shall include onsite sampling of existing soil to ascertain current conditions and characterize the potential for risks and implications for future building foundation elements. The analysis of the onsite conditions and risks shall be based on laboratory results generated in accordance with current procedures and applicable state and local construction, engineering, and geotechnical building standards at the time the assessment is prepared. The design of individual projects and/or construction shall incorporate all recommendations of the geotechnical assessment. The assessment and recommendations shall be prepared by a California-licensed professional engineer and shall comply with current state and local building codes. The intention of the geotechnical assessment is to sufficiently inform design related to geologic hazards and to help ensure that the design of building foundations, subgrades, and transportation infrastructure can withstand existing conditions, or that the individual site can be treated in such a manner as to address hazardous geologic conditions.	A qualified engineer shall prepare a geotechnical assessment for development in the Moraga Canyon Specific Plan Area. The project shall incorporate all recommendations of the geotechnical assessment.	Prior to issuance of a grading permit.	City staff shall ensure a geotechnical assessment has been prepared by a qualified engineer.	City of Piedmont Planning and Building Department	
<b>Hazards and Hazardous Materials</b>					
<b>MCSP-HAZ-1 Property Assessment - Phase I and II ESAs</b>					
Prior to the issuance of any building, demolition, or grading permit for development in the Moraga Canyon Specific Plan Area, the project applicant shall retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project-specific Phase I	A qualified environmental professional shall prepare a project-specific Phase I ESA for projects in the MCSP area. If the Phase I ESA	The Phase I ESA shall be prepared prior to the issuance of any building,	City staff shall review and approve of the Phase I ESA or the	City of Piedmont Planning and Building Department	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site.</p> <p>If the Phase I ESA identifies recognized environmental conditions or potential areas of concern, the project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA for the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels. The Phase II ESA shall be completed prior to the issuance of any building permit authorizing construction, grading permit, or demolition permit and shall be based on the results of the Phase I ESA.</p> <p>As part of the Phase II ESA, the qualified environmental consultant (PG or PE) shall screen the analytical results against the San Francisco Bay Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels under various depth and land use scenarios. The City shall review and approve the Phase II ESA prior to the issuance of any building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan (see Mitigation Measure MCSP HAZ-2) prior to issuance of a building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of</p>	<p>identifies recognized environmental conditions or potential areas of concern, a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE) shall prepare a Phase II ESA. If the Phase II ESA indicates that contaminants are present in the subsurface at the project site, the project applicant shall prepare a Soil Management Plan. If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater, the project applicant shall complete remediation at the project site.</p>	<p>demolition, or grading permit for development. The Phase II ESA shall be prepared prior to the issuance of any building permit authorizing construction, grading permit, or demolition permit and shall be based on the results of the Phase I ESA.</p> <p>The Soil Management Plan shall be prepared prior to issuance of a building, grading, or demolition permit. Remediation shall be completed at the project site prior to onsite construction.</p>	<p>Phase II ESA, if required.</p>		

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation (see Mitigation Measure MCSP HAZ-3) at the project site prior to onsite construction.</p>					
<b>MCSP-HAZ-2 Soil Management Plan</b>					
<p>For future development in the Moraga Canyon Specific Plan Area, if impacted soils or other impacted wastes are present at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to issuance of a building, demolition or grading permit. The SMP, or equivalent document, shall address:</p> <ol style="list-style-type: none"> <li>1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and</li> <li>2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.</li> </ol> <p>The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Stockpile management, including stormwater pollution prevention and the installation of BMPs</li> <li>▪ Proper disposal procedures of contaminated materials</li> <li>▪ Investigation procedures for encountering known and unexpected odorous or visually stained soils,</li> </ul>	<p>If impacted soils or other impacted wastes are present at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan, which should include remedial measures and soil management practices.</p>	<p>Prior to issuance of any grading, demolition, or grading permit.</p>	<p>The City of Piedmont Public Works Director or designee shall review and approve the project site SMP prior to issuing of any grading, demolition, or grading permit.</p>	<p>City of Piedmont Planning and Building Department</p>	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities</p> <ul style="list-style-type: none"> <li>▪ Monitoring and reporting</li> <li>▪ A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection</li> <li>▪ The health and safety plan shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction</li> </ul> <p>The City of Piedmont Public Works Director or designee shall review and approve the project site SMP prior to issuing of any grading, demolition or grading permit. The project applicant shall implement the SMP during demolition, grading, and construction at the project site.</p>					
<b>MCSP-HAZ-3 Remediation</b>					
<p>For future development in the Moraga Canyon Specific Plan Area, where contaminated soil is identified during implementation of Mitigation Measures MCSP HAZ-1 and/or MCSP HAZ-2 as present within the demolition, grading or construction envelope at the project site at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (PG or PE), to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes</p>	<p>If contaminated soils are identified during implementation of Mitigation Measures MCSP HAZ-1 and/or MCSP HAZ-2 as present within the demolition, grading or construction envelope at the project site at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil, the</p>	<p>Project site disposal recommendations shall be reviewed and implemented prior to transportation of waste soils offsite and the remedial engineering controls shall be reviewed and</p>	<p>The City of Piedmont Public Works Director or designee shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and</p>	<p>City of Piedmont Planning and Building Department</p>	



Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.</p> <p>Remediation of impacted soils and/or implementation of remedial engineering controls may require: additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.</p> <p>The City of Piedmont Public Works Director or designee shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.</p> <p>The project applicant shall review and implement the project site disposal recommendations prior to transportation of waste soils offsite and review and implement the remedial engineering controls prior to construction.</p> <p>The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition or grading permit.</p>	<p>project applicant shall retain a qualified environmental consultant (PG or PE) to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes and provide disposal recommendations and arrange for proper disposal of waste soils and other impacted wastes, and/or provide recommendations for remedial engineering controls, if appropriate.</p>	<p>implemented prior to construction.</p>	<p>approve remedial engineering controls, prior to construction. The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition, or grading permit.</p>		
<b>Wildfire</b>					
<b>W-1 Incorporation of Evacuation Analysis Recommendations</b>					
<p>The City shall implement all recommendations included in the City of Piedmont 2023-2031 Housing Element Update – Emergency Evacuation Time Assessment (Fehr &amp; Peers 2023) and listed below:</p>	<p>The City shall implement all recommendations included in the City of Piedmont 2023-2031 Housing Element Update – Emergency</p>	<p>After certification of the FEIR.</p>	<p>The City shall ensure all recommendations included in the City of Piedmont</p>	<p>City of Piedmont Planning and Building Department</p>	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<ul style="list-style-type: none"> <li>▪ Develop emergency evacuation traffic signal timing plans for traffic signals on evacuation routes, prioritizing evacuation flows and minimizing opposing traffic flows. Emergency response vehicle access into evacuation areas can be maintained through traffic signal pre-emption. Coordinate with City of Oakland and Caltrans to develop corridor evacuation timing plans.</li> <li>▪ Identify corridors where temporary evacuation capacity, such as reversible traffic lanes, temporary use of parking lanes, shoulders, or two-way-left-turn lanes, could be provided while maintaining emergency responder access in the opposite direction.</li> <li>▪ Explore limiting on-street parking on designated evacuation routes either permanently or during high fire risk periods to reduce potential conflicts with evacuating vehicles.</li> <li>▪ As part of evacuation messaging, ensure evacuees are informed of the availability of multiple evacuation routes, to allow effective use of all available capacity.</li> <li>▪ Work with Piedmont Unified School District (PUSD) and private schools to develop evacuation plans for the schools in the City of Piedmont.</li> <li>▪ Consider staggering the evacuation orders for citywide or large area evacuations for different zones and account for the impact on potential bottleneck locations when determining the timing for evacuation of different zones.</li> <li>▪ When considering roadway or intersection design modifications, especially in areas that have less accessibility and on key evacuation routes, consider evacuation capacity and consider design treatments</li> </ul>	<p>Evacuation Time Assessment (Fehr &amp; Peers 2023 and as amended if applicable).</p>		<p>2023-2031 Housing Element Update – Emergency Evacuation Time Assessment (Fehr &amp; Peers 2023 and as amended if applicable) are implemented.</p>		

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>that could allow reversible lanes or temporary use of parking lanes or shoulders as auxiliary lanes to provide additional capacity during an evacuation event.</p> <ul style="list-style-type: none"> <li>▪ Educate residents and employees about the importance of carpooling in evacuations to reduce the number of evacuating vehicles and minimize evacuation times.</li> <li>▪ Explore the potential use of the footpath and bicycle networks in evacuating pedestrians and cyclists to reduce the number of evacuating vehicles and minimize evacuation times.</li> </ul> <p>Examine areas that have a high concentration of residents with social vulnerability indicators such as age, disability, and other mobility factors to determine other potential barriers to evacuation besides distance to and capacity of evacuation routes. Advanced coordination between first responders to ensure an efficient and well-communicated process for evacuation may be needed in response to various hazard scenarios.</p>					