

Appendix A

Notice of Preparation (NOP) and NOP Responses



CITY OF PIEDMONT CALIFORNIA

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CITY OF PIEDMONT 2023-2031 HOUSING ELEMENT UPDATE AND ASSOCIATED AMENDMENTS TO THE GENERAL PLAN

Notice is hereby given that the City of Piedmont is preparing a Draft Environmental Impact Report (EIR) for the City's Housing Element Update ("the project") and is requesting comments on the scope and content of the Draft EIR. The EIR is being prepared by the City of Piedmont, which is the Lead Agency for the project, in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

In accordance with CEQA Guidelines section 15082, this Notice of Preparation (NOP) is being sent to the California State Clearinghouse, Alameda County Clerk, responsible agencies, trustee agencies, adjacent cities, and is being made available to members of the public including individuals and organizations to solicit comments on the scope and content of the analysis in the EIR.

WRITTEN COMMENTS: Responses to this NOP and any questions or comments should be directed in writing to: *Kevin Jackson, Planning & Building Director, City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611; or kjackson@piedmont.ca.gov*. Comments on the NOP must be received **on or before 5 p.m. on Friday, March 18, 2022**. In addition, comments may be provided at the EIR Scoping Meeting (see details below). Comments should focus on the scope and content of the EIR such as significant environmental issues, reasonable alternatives, and mitigation measures.

EIR PUBLIC SCOPING MEETING: The City of Piedmont will conduct a public scoping session on **Tuesday, March 1, 2022** as part of a special Planning Commission meeting to receive comments on the scope and contents of the EIR. The meeting will start at **5:30 p.m.** and be held via video and teleconference. Interested parties should check the Planning Commission website for information on how to join the meeting and to confirm the meeting date, time, and agenda:

https://www.piedmont.ca.gov/government/commissions_committees/planning_commission

The agenda will be posted by 5 p.m. on February 15, 2022.

PROJECT LOCATION: The project, which is an update to the Housing Element of the City's General Plan, is applicable to the entire City of Piedmont (citywide). The City of Piedmont is located in the East Bay of the San Francisco Bay Area in northern Alameda County. Piedmont is completely surrounded by the City of Oakland. The city encompasses approximately 1.7 square miles with a population of approximately 11,300 residents and 4,000 housing units. The regional setting and existing city limits are depicted on Figure 1.

PROPOSED PROJECT DESCRIPTION and BACKGROUND: The proposed project consists of a comprehensive update to the Housing Element and related edits to the other elements of the City's General Plan and Piedmont Municipal Code.

The Housing Element is one of the seven state-mandated elements of the local General Plan and is required by the State of California to be updated every eight years. The City of Piedmont is preparing the 2023-2031 Housing Element Update to comply with the legal mandate that requires each local government to identify adequate sites for housing to meet the existing and projected housing needs for varying income-levels in the community. It is intended to provide the city with a comprehensive strategy for promoting the production of safe, decent and affordable housing, and affirmatively furthering fair housing during the housing cycle. The Housing Element Update establishes goals, policies, and actions to address the existing and projected housing needs in Piedmont.

The goals, policies, and actions in the Housing Element are required to meet Piedmont's Regional Housing Needs Assessment (RHNA) allocation. Piedmont's latest RHNA allocation requires 587 new housing units, including 257 new units for residents in the extremely low, very low, and low-income categories. The City must demonstrate to the State Department of Housing and Community Development (HCD) that the City's Housing Element has adequate land capacity and implementing policies to accommodate its RHNA allocation, plus a buffer of some number of units to ensure ongoing compliance with the No Net Loss provisions of State housing law. To identify the housing sites to be included in the Housing Element, the City will identify suitable and available housing sites and their capacity, screen for vacant and underutilized parcels, evaluate and analyze sites, and calculate potential buildout.

In conjunction with the Housing Element Update, the City anticipates amendments to the General Plan including revising the Land Use Element, Design and Preservation Element, Environmental Hazards Element, and the Natural Resources and Sustainability Element to maintain consistency with the updated Housing Element.

More information about the proposed project can be found on the City's website:
<https://www.piedmontishome.org/housing-element-update>

PROBABLE ENVIRONMENTAL EFFECTS: Approval of the proposed Housing Element Update would not include approval of any physical development (e.g., construction of housing or infrastructure). However, the EIR will assume that such actions are reasonably foreseeable future outcomes of the Housing Element Update. As such, the EIR will evaluate the potential physical environmental impacts that could result from future actions for implementing the policies proposed under the Housing Element Update at a programmatic level, in accordance with CEQA Guidelines Section 15168. The topical areas that will be addressed in the EIR are: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Land Use and Planning, Population and Housing, Public Services and Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding potential environmental effects while meeting most of the basic objectives of the project. In addition, the EIR will address cumulative impacts, growth inducing impacts, and other issues required by CEQA.


Kevin Jackson, Planning & Building Director
Date of Distribution: February 16, 2022

Attachment: Figure 1: City of Piedmont Location Map

Figure 1 City of Piedmont Location Map



Imagery provided by Esri, Microsoft Bing and their licensors © 2022.

 City of Piedmont

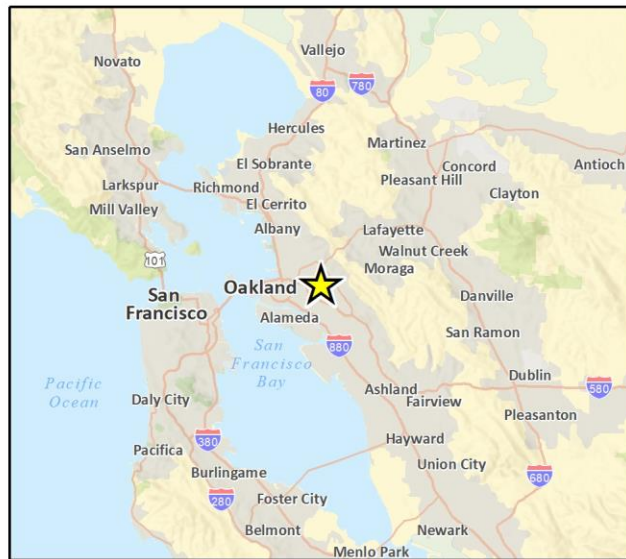


Fig. X NDP Location Map



NATIVE AMERICAN HERITAGE COMMISSION

February 16, 2022

Kevin Jackson
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Atebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yakayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022020362, City of Piedmont 2023-2031 Housing Element Project, Alameda County

Dear Mr. Jackson:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)):

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e), (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

February 28, 2022

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

Re: Notice of Preparation of a Draft Environmental Impact Report for the Proposed
City of Piedmont 2023-2031 Housing Element Update and Associated
Amendments to the General Plan, Piedmont

Dear Mr. Jackson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Proposed City of Piedmont 2023-2031 Housing Element Update and Associated Amendments to the General Plan, which encompasses the entirety of the City of Piedmont (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with California State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential, mixed-use multi-family and commercial buildings through 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 within the Housing Element Update that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific developments within the Housing Element Update to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. 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 Update, project sponsors for individual projects 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 new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

Project sponsors for individual projects within the Housing Element Update 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.

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 work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD 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 this project 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, 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), 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.

To ensure that the proposed project contributes 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 project: (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 the project 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

Individual projects within the Housing Element Update may present an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor 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). Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations 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.

Kevin Jackson, Planning & Building Director
February 28, 2022
Page 4

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:KTL:grd
sb22_043 City of Piedmont 2023-2031 Housing Element Update



March 15, 2022

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

SUBJECT: Response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the City of Piedmont Housing Element Update

Dear Kevin,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the City of Piedmont Housing Element Update. The project will encompass the entirety of the City of Piedmont, which is located in northern Alameda County and completely surrounded by the City of Oakland. The City of Piedmont encompasses approximately 1.7 square miles, including 4,000 housing units, and is home to 11,300 residents. The proposed comprehensive Housing Element Update will be based on the City's latest Regional Housing Needs Allocation, which requires the City's zoning and other land use regulations accommodate a minimum of 587 new housing units. The Housing Element Update will identify suitable and available housing sites by screening for vacant and underutilized parcels, evaluating sites and calculating capacity potential upon buildout. The City's General Plan and Municipal Code will be amended as needed to maintain consistency with the updated Housing Element.

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 project. For information on the CMP, please visit: <https://www.alamedactc.org/planning/congestion-management-program/>.

Use of Countywide Travel Demand Model

- The Alameda Countywide Travel Demand Model should be used for CMP Land Use Analysis purposes. The CMP requires local jurisdictions to conduct travel model runs themselves or through a consultant. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request. The most current version of the Alameda CTC Countywide Travel Demand Model was updated in May 2019 to be consistent with the assumptions of Plan Bay Area 2040.

Impacts

- The DEIR should address all potential impacts of the plan on the Metropolitan Transportation System (MTS) roadway network.
 - MTS roadway facilities in the plan area include:
 - I-580 in Oakland and Piedmont
 - SR-13 and SR-24 in Oakland
 - MacArthur Boulevard, Broadway Avenue, and College Avenue in Oakland
 - For the purposes of CMP Land Use Analysis, the Highway Capacity Manual 2010 freeway and urban streets methodologies are the preferred methodologies to study vehicle delay impacts.
 - The Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP.
- The DEIR should address potential impacts of the project on Metropolitan Transportation System (MTS) transit operators.
 - MTS transit operators potentially affected by the plan include: AC Transit
 - Transit impacts for consideration include the effects of project vehicle traffic on mixed flow transit operations, transit capacity, transit access/egress, need for future transit service, and consistency with adopted plans.
- The DEIR should address potential impacts of the plan to people biking and walking in and near the plan area, especially nearby roads included in the Countywide High-injury Network and major barriers identified in the Countywide Active Transportation Plan.
 - Impacts to consider on conditions for cyclists include effects of vehicle traffic on cyclist safety and performance, site development and roadway improvements, and consistency with adopted plans.

Mitigation Measures

- Alameda CTC's policy regarding mitigation measures is that to be considered adequate they must:
 - Adequately sustain CMP roadway and transit service standards;
 - Be fully funded; and
 - Be consistent with project funding priorities established in the Capital Improvement Program of the CMP, the Countywide Transportation Plan (CTP), and the Regional Transportation Plan (RTP) or the Federal Transportation Improvement Program, if the agency relies on state or federal funds programmed by Alameda CTC.
- 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 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.

- The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered.

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208 7484 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathleen Sullivan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cathleen Sullivan
Director of Planning

cc: Chris G. Marks, Associate Transportation Planner
Shannon McCarthy, Associate Transportation Planner

From: Pierce Macdonald <pmacdonald@piedmont.ca.gov>
Sent: Friday, February 25, 2022 11:15 AM
To: Karly Kaufman
Cc: Kevin Jackson
Subject: [EXT] FW: Comment on what is most important

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

For the scoping meeting and public comments on environmental impacts:

From: Arden Hall <arden.r.hall@gmail.com>
Sent: Friday, November 19, 2021 9:17 PM
To: Piedmont Is Home <piedmontishome@piedmont.ca.gov>
Subject: Comment on what is most important

You don't often get email from arden.r.hall@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.

Thanks for the opportunity to comment.

The substantial amount of housing that is planned for Piedmont will inevitably have negative impacts on current residents. This is just a fact and it's not a reason to oppose the housing plan. However the magnitude of the impact on current residents, and, for that matter, the quality of life for new residents, will be impacted substantially by the way in which the plan is developed and carried out. I would put this under the category of amelioration. Let's accept that there will be negative impacts but it's legitimate to ask that the negative impacts be understood and plans be developed to minimize them. I would like to see that the process for developing the plan focus on identifying negative impacts and on developing action plans for ameliorating them.

I cannot provide a complete list of things that should be considered but it is readily apparent that there are a few affecting the whole city related to transportation. It seems safe to assume that the planned addition to housing will increase the number of cars in Piedmont. This will mean increased traffic in Piedmont and more importantly in the surrounding areas. Oakland seems currently in the process of deliberately creating traffic congestion. If that continues and we (and Oakland) add new residents with cars, traffic problems will become really severe. More particular to Piedmont is a parking problem. Parking has been an issue in Piedmont for a while and there are now several piecemeal parking districts within the city. But city government has resisted creating an overall plan for managing parking congestion. Adding a significant additional number of cars will make the current situation untenable. As a specific example, all those living in ADUs to be built on Lake, Kingston and Rose Avenues will need to park somewhere else in the (already congested) surrounding Piedmont neighborhoods because of the parking district covering that area.

There are things that can be done to reduce the impact of additional cars in our neighborhoods. To suggest a few:

- The frequency and coverage of public transit can be improved.
- Traffic management can be addressed on an area-wide basis and can be based on the expectation of more cars as well as the desire to reduce car usage.
- Rideshare systems can be encouraged and subsidized if necessary to enable people to drive when necessary and still not own the car.
- The city can discourage ownership of excessive numbers of cars by residents and encourage residents to park in driveways.
- The city can develop a citywide plan to manage on-street parking.

I believe that the negative impact of adding additional housing in Piedmont will be much greater than it needs to be if the impact of additional cars is not planned for. The housing plan should forecast the number of additional cars and develop policies to minimize their impact.

Another area where there are likely to be negative impacts that should be considered in the plan is in public services such as schools and parks. The plan should forecast the number of new residents as well as the increase in the number of school-age children that the housing plan will bring to Piedmont . It should also address how the city will provide these new citizens with good public services while maintaining services for current residents.

There's a second large issue that concerns me and which I would like to see the housing plan address. The housing problem in the Bay Area has developed over a period of time. One of its causes has certainly been the slow pace of building since the Financial Crisis. However I believe it's also a product of the Bay Area's success in becoming a center for high-tech industries. For that reason I think it will be important to consider the impacts of future employment growth on future housing demand, as well as the inadequate supply causing the current shortage of housing. Here is a hypothetical example to explain what I mean. Let's imagine that over the next five years Piedmont and our neighboring cities largely reach our housing goals. Let's also imagine that, over the same period, two big high-tech companies, Google and Facebook for example, each build a large campus in Emeryville. It seems to me that if that happened, the effect of our efforts in providing housing would be nullified, because of the additional housing demand created by the increase in employment. Worse, the problem of gentrification and decreasing housing affordability would probably become even more severe than it is now with the influx of more high wage workers. So, again hypothetically, Piedmont might be asked to allow for another 600 housing units in 5 years because the housing shortage would be just as severe then as it is now. The point to be made by this hypothetical is that the Bay Area needs to address housing demand as well as housing supply. In a place like the Bay Area that is already largely developed, policies addressing housing supply will never succeed if employment growth is completely unconstrained. While Piedmont should step up and contribute to the solution to the current housing supply problem, it should also have a voice in determining the future increase in the demand for housing. The housing plan should consider and take a position on future employment growth and its impact on housing. Certainly Piedmont can't dictate how the Bay Area develops, but it can take a position and be an advocate. The housing plan is an appropriate place for the city to address this issue.

Thanks
Arden Hall

From: Dan Harvitt <danharvitt@gmail.com>
Sent: Monday, March 14, 2022 5:34 PM
To: Kevin Jackson
Subject: Re: 587 new units

You don't often get email from danharvitt@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.

Hi Kevin,

Yes, i'll rewrite it here:

Most people move to Piedmont in order to take advantage of its strong school system. If each of the proposed 587 new units averages 2.215 children, that works out to $2.215 \times 587 = 1300$ children. If those kids would be evenly distributed (they won't be) in our K-12 schools, that would be 100 kids per grade. Class size of 25 means 4 new classes per grade. Similarly, if each unit averages just 1.1 children, that still works out to 50 kids per grade; two classes per grade. Accommodating two to four classes to grade seems like an incredible burden on the city and its schools (even with declining enrollment in recent years), which were not designed for that many kids. Has that been possibility been analyzed and accounted for?

On Mon, Mar 14, 2022 at 3:00 PM Kevin Jackson <kjackson@piedmont.ca.gov> wrote:

Dan,

Thank you for your interest in the Housing Element update. Was you email message submitted in response to the request for comments to inform the scope and content of the [Environmental Impact Report preparation](#)? If so, I'll be happy to include it as such.

Thanks again,

Kevin Jackson, AICP Planning & Building Director

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

Tel: (510) 420-3039 Fax: (510) 658-3167

Receive Planning & Building Department news emails by subscribing at:
<https://lp.constantcontactpages.com/su/rMGm1oM/PiedmontPlanBuild> “

Effective February 28, 2022, the Piedmont Planning & Building and Public Works Departments will be open for counter service, including unscheduled inquiries via walk-ins, telephone and email during the following hours:

- Monday through Thursday: 8:30 a.m. to 5 p.m. (including the lunch hour)
- Friday: Closed

-----Original Message-----

From: Dan Harvitt <danharvitt@gmail.com>
Sent: Sunday, March 13, 2022 8:34 AM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Subject: 587 new units

[You don't often get email from danharvitt@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

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

If each unit averages 2.215 children, that works out to $2.215 \times 587 = 1300$ children. If those kids would be evenly distributed (they won't be) in our K-12 schools, that would be 100 kids per grade.

Class size of 25 means 4 new classes per grade.

Sounds good?

Dan

Sent from my iPhone

From: Kevin Jackson <kjackson@piedmont.ca.gov>
Sent: Tuesday, March 15, 2022 12:53 PM
To: Diane Nakagawa
Subject: RE: Adding 587 housing units

Dear Ms. Nakagawa,

Thank you very much for your interest in the preparation of an EIR for the Housing Element update. Your comments will be considered in the preparation of the EIR for the Housing Element.

Sincerely,

Kevin Jackson, AICP Planning & Building Director
City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611
Tel: (510) 420-3039 Fax: (510) 658-3167

Receive Planning & Building Department news emails by subscribing at:
<https://lp.constantcontactpages.com/su/rMGm1oM/PiedmontPlanBuild> “

Effective February 28, 2022, the Piedmont Planning & Building and Public Works Departments will be open for counter service, including unscheduled inquiries via walk-ins, telephone and email during the following hours:

- Monday through Thursday: 8:30 a.m. to 5 p.m. (including the lunch hour)
- Friday: Closed

From: Diane Nakagawa <nakagawadiane@gmail.com>
Sent: Tuesday, March 15, 2022 12:30 PM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Subject: Adding 587 housing units

You don't often get email from nakagawadiane@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.

Hello Mr. Jackson,

As a resident for over 30 years, my family and I have enjoyed the city and our neighborhood. I truly feel fortunate to be here and am not alone with this sentiment. Also to note that moving here after being raised in Oakland does bring opportunities that I probably would not have received had I stayed. The higher level of education, safety and overall positive environment was well worth the effort to stay in Piedmont. We have and continue to work hard to keep on top of the housing costs and higher taxes that keep the city running.

While I appreciate the EIR and all the discussions to comply with the mandated regulation that all cities must increase affordable housing, I really don't see how this can be accomplished given Piedmont's small square footage. Selfishly, I must say that adding more housing close to or along Scenic Avenue (i.e. consideration of using the EBMUD reservoir) does not bode well to our neighborhood. The narrow road, no sidewalk on much of the streets, reduction of natural habitat would decrease not only the value of homes, but quality of life for residents, both wild and human.

I will follow the reporting as this moves along. People move to Piedmont for a reason and while that can be deemed elitist, I believe a push for alternative methods to help those in need would seem more cost effective and faster than the time it would take to build.

Respectfully,

Diane Nakagawa
Scenic Avenue - Piedmont

To: Kevin Jackson, Planning and Building Director
FR: Marj Blackwell
RE: Housing Element EIR
Date: March 15, 2022

Dear Kevin,

In order to accurately assess the environmental impacts of adding 587 housing units in Piedmont, I urge that the following issues be included in the EIR analysis of sites:

- Safe roadway widths for vehicles
- Safe pedestrian access
- Proximity to public transportation
- Proximity to public schools
- Preservation of open space and City parks*
- Preservation of urban trees
- Landslide and erosion potential
- Proximity to a wildfire area
- Proximity to an earthquake fault
- Water provisions

*Preservation of open space and City parks is especially important in Piedmont, as the City is already below the national standard for provision of open space and parks per capita.

Before any EIR analysis can begin, the City should publish a map and list of all City owned sites so the public knows where potential development could be located.

In addition, I understand the City has received \$2.2 million in Measure 2 A-1 funding from Alameda County that “must be used for development of affordable rental housing **or site acquisition.**” Does this mean the City has to develop the rental housing? Or does it mean the City could use the funds to purchase a site it does not currently own, such as an unoccupied residence from a willing seller?

I’m sure you are familiar with the State’s Housing Element Site Inventory Guidebook, Govt. Code Section 65583.2, published June 10, 2020. On page 3, the Guidebook states, in part: “Other characteristics to consider when evaluating the appropriateness of sites include physical features (e.g. size and shape of the site, improvements currently on the site, slope instability or erosion, or environmental and pollution considerations, location (e.g. proximity to and access to infrastructure, transit, job centers, and public or community services).... When determining sites to include in the inventory to meet the lower income housing need, HCD recommends that a local government first identify development potential in high opportunity neighborhoods.”

Thank you for your consideration.

-Marj Blackwell
451 Pala Ave., Piedmont

From: PCA Editors <editors@piedmontcivic.org>

Sent: Thursday, March 17, 2022 2:00 PM

To: Kevin Jackson <kjackson@piedmont.ca.gov>; City Council <CityCouncil@piedmont.ca.gov>

Subject: INPUT ON EIR SCOPING FOR UPDATED HOUSING ELEMENT

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

To: Piedmont City Council, Piedmont Planning Commission, and Planning Director Kevin Jackson

March 17, 2022

Please accept the following input to the EIR scoping for the updated Housing Element being prepared and considered by the City of Piedmont.

Please note in addition to the article linked below, there are two comments found at the end of the article.

<https://www.piedmontcivic.org/2022/03/12/your-input-is-important/>

The submitted information is for public distribution. Thank you for considering these ideas and concerns.

Questions can be submitted to the PCA email noted below.

Piedmont Civic Association

editors@piedmontcivic.org

Piedmont Civic Association

Piedmont, California



The Piedmont Civic Association is a volunteer organization dedicated to providing community news on local civic topics.



•

[Click here to SUBMIT OPINION or ARTICLES](#)

[Click here to receive updates by email](#)

• Current Topics

- [*All News](#)
- [*Opinion Ltrs from Readers](#)
- [City Charter](#)
- [COVID 19](#)
- [Editorials from the PCA](#)
- [Election News](#)
- [Events](#)
- [News – Blair Park](#)
- [News – City Budget](#)
- [News – Library Services](#)
- [News – Parks](#)
- [News – Planning/Environ.](#)
- [News – Police & Fire Safety](#)
- [News – Pool](#)
- [News – Recreation](#)
- [News – School Budget](#)
- [News – Schools](#)
- [News – Sewer Funding](#)
- [news – Taxes](#)
- [News – Undergrounding](#)
- [Other](#)
- [Seniors](#)
- [Topics of Good Governance](#)

•

•

[Donate](#)

-

[Contact Piedmont Officials and more](#)

• **Local Events**

No upcoming events.

- [News](#)
- [Opinion](#)
- [About Us](#)
- [Donate](#)
- [FAQs](#)
- [Participate](#)

Mar 12 2022

[Your Input is Important !](#)

Now is the time to tell the City if you have concerns regarding adding 587 housing units to Piedmont!

The City is planning an important review of conditions in Piedmont and potential issues relevant to the environment in Piedmont.

Adoption of an EIR will impact every area of Piedmont and potential development.

Without input from residents, the basis for developing the EIR is lessened.

Once the EIR is approved by the City Council, it will be used repeatedly to measure, approve, or deny development in Piedmont using the EIR to determine environmental impacts.

Some issues not necessarily included in the EIR considerations are:

- **Safe roadway widths for vehicles**
- **Safe pedestrian access**
- **Viable provisions during an emergency**
- **Lack of medical facilities**



- **Insufficient police and fire services**
- **Wildfire areas**
- **Overhead utility wires**
- **Pandemic resources**
- **Open space/park preservation**
- **Transit services**
- **Urban trees and canopy preservation**
- **Water provisions**
- **Social services**
- **Animal/fauna, pollinators survival**
- **Landslide areas**
- **Clay soil areas**
- **Underground drainage systems**
- **Emergency exits from the City**

Any questions, issues, or comments should be directed in writing to: Kevin Jackson, Planning & Building Director, City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611; or kjackson@piedmont.ca.gov.

To assure the Piedmont City Council and the Piedmont Planning Commission are aware of any issues, public comments can also be sent and addressed to:

Piedmont City Council –
citycouncil@piedmont.ca.gov

Planning Commission –
kjackson@piedmont.ca.gov.

**The 6th Cycle (2023-2031)
Housing Element Update
Environmental Impact Report**

Public Scoping Comments

from Piedmonters are

Due March 18, 2022

On March 1, 2022, a Scoping Meeting for the Housing Element EIR was held by the Planning Commission [Click to view the video of the meeting.](#) In response to comments during the scoping meeting, the following information is being provided to community members who may be interested in providing comments on the scope and preparation of the EIR. Please click on the links provided below (in blue font).

• [Environmental Factors Considered Under CEQA](#)

This is a list of the environmental factors that are required to be examined under an Environmental Impact Report.

• [Appendix G, Environmental Checklist Form, 2022 CEQA Statute and Guidelines](#)

In this Appendix, for each environmental factor, a list of questions is provided that an agency might ask when studying potential environmental impacts.

On February 16, 2022, the City of Piedmont issued a [Notice of Preparation](#) of a Draft Environmental Impact Report for the proposed City of Piedmont 2023-2031 Housing Element update and associated amendments to the Piedmont General Plan.

The City of Piedmont is preparing a Draft Environmental Impact Report (EIR) for the City's Housing Element update ("the project") and is requesting comments on the scope and content of the Draft EIR. This scoping stage of EIR preparation seeks comments that would answer the following questions:

- What do we need to know to prepare the EIR for the Housing Element update?
- What potential environmental impacts from the City's Regional Housing Needs Allocation (RHNA) of 587 housing units should be studied as part of the EIR?

The EIR is being prepared by the City of Piedmont, which is the lead agency for the project, in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. In accordance with CEQA Guidelines section 15082, the Notice of Preparation (NOP) was sent to the California State Clearinghouse, Alameda County Clerk, responsible agencies, trustee agencies, adjacent cities, and is being made available to members of the public, including individuals and organizations, to solicit comments on the scope and content of the analysis in the EIR.

Written Comments: Responses to the NOP and any questions or comments should be directed in writing to: Kevin Jackson, Planning & Building Director, City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611; or kjackson@piedmont.ca.gov.

Responses to the NOP must be received on or before 5 p.m. on Friday, March 18, 2022. Comments should focus on the scope and content of the EIR, such as significant environmental issues, reasonable alternatives, and mitigation measures.

Project Location: The project, which is an update to the Housing Element of the City's General Plan, is applicable to the **entire City of Piedmont (citywide)**. The City of Piedmont is located in the East Bay of the San Francisco Bay Area in northern Alameda County. The City of Piedmont encompasses approximately 1.7 square miles with a population of approximately 11,300 residents and 4,000 housing units. The Housing Element is one of the 7 state-mandated elements of the local General Plan and is required by the State of California to be updated every 8 years. Detailed project description information and background information are provided in the NOP, located [here](#).

Probable Environmental Effects: Approval of the proposed Housing Element update would not include approval of any physical development (e.g., construction of housing or infrastructure). However, the EIR will assume that such actions are reasonably foreseeable future outcomes of the Housing Element update. The EIR will evaluate the potential physical environmental impacts that could result from future actions for implementing the policies proposed under the Housing Element update at a programmatic level, in accordance with CEQA Guidelines Section 15168. The topical areas that will be addressed in the EIR are: **Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Land Use and Planning, Population and Housing, Public Services and Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.**

The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding

potential environmental effects while meeting most of the basic objectives of the project. In addition, the EIR will address **cumulative impacts, growth inducing impacts, and other issues required by CEQA.**

[Subscribe to General Planning & Building News](#)

[Subscribe to Fair Housing News and Updates](#)

Filed under: [*All News](#), [News - Parks](#), [News - Planning/Environ.](#), [News - Police & Fire Safety](#), [News - Recreation](#), [news - Taxes](#), [News - Undergrounding](#)

3 Responses to “Your Input is Important !”

1. Garrett Keating

[March 13th, 2022 at 7:56 am](#)

At the suggestion of the Planning Commission, staff has added this information about the EIR. I recall Commissioners also asking that a synopsis or executive summary of the draft Housing Element also be added to the informational materials. Staff could easily summarize the HE elements (Housing Elements) of the workshops into a list of the physical changes, programs and policies being considered. Three that I recall are elimination of single family zoning city-wide, increasing the allowable height of ADUs and building dimensions and facades for multifamily buildings.

Staff indicated that this will be a programmatic EIR that will suffice for future projects developed under the HE. How accurate can that be for future projects? For example, the Blair Park proposal had the highest GHG emissions of the alternatives because of its impact on traffic speed on Moraga Avenue. Will the HE EIR get into that level of detail without a defined project? Likewise for noise. The road diet for Grand added to congestion – what will rezoning that section to multifamily do to traffic? I attended the EIR scoping meeting and as I understood it that won't be considered. I'd appreciate Commissioners or traffic planners weighing in here to explain. PCA should post that traffic slide from the Scoping presentation with an explanation.

As I understood it, staff indicated that this EIR approach is being adopted to reduce costs for developers of future multifamily projects – they won't be required to prepare an EIR for their projects. Given the high housing prices in Piedmont, will it be difficult to find developers to work with?

Finally development of the HE appears to be proceeding without an assessment of the impact of SB 9, the law that allows by right lot splits and duplex development on single family lots. The potential for this development to assist in the city attaining its housing goals is hard to assess but should be factored into the EIR. A simple assessment of eligible lots could be easily prepared and used to quantify units that could be added to Piedmont housing numbers.

2. Michael Henn

[March 16th, 2022 at 2:01 pm](#)

Thanks Garrett for closely following this. I particularly agree with your question about staff's failure to evaluate the impact of SB9 and ADUs. SB9 allows the conversion of Piedmont homes to duplexes, by right. No public hearings or neighbors' input. The same with ADUs, over the counter approval without notice to anyone. Presumably, the State passed these laws expecting that they will produce a significant number of new and needed housing. Yet these expected new dwellings don't seem to count in Piedmont's Housing Element process. I would hope that planning ask for and receive a City Attorney's opinion that confirms staff's position that SB9 and ADUs cannot be counted toward meeting the 587 unit RHNA. Without such confirmation, the current process seems seriously flawed.

3. Garrett Keating

[March 17th, 2022 at 4:44 pm](#)

The city approved 22 ADU/yr in 2020 and 2021. That’s a very consistent number perhaps determined by the process rate of the Planning Department. Over 8 years that comes to 160 additional units. Could SB9 produce that many new units over 8 years? Half that? How many SB9 applications has the city received since January 1, 2020? It would be bad planning to not account for SB9.

Leave a Comment

Full Name (required)

Email (will not be published) (required)

Website

Submit Comment

[Home](#) | [Contact Us](#)



Content on the PCA website by [Piedmont Civic Association](#) is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 United States License](#).

Some icons are Copyright © [Yusuke Kamiyamane](#)

Karly Kaufman

From: Kevin Jackson <kjackson@piedmont.ca.gov>
Sent: Friday, March 18, 2022 11:02 AM
To: Karly Kaufman
Subject: [EXT] FW: Can you add my name to the letter Andrea just sent?

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Karly,

Is there a way to comply with Deborah's request?

Kevin Jackson, AICP Planning & Building Director
City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611
Tel: (510) 420-3039 Fax: (510) 658-3167

Receive Planning & Building Department news emails by subscribing at:
<https://lp.constantcontactpages.com/su/rMGm1oM/PiedmontPlanBuild> "

Effective February 28, 2022, the Piedmont Planning & Building and Public Works Departments will be open for counter service, including unscheduled inquiries via walk-ins, telephone and email during the following hours:

- Monday through Thursday: 8:30 a.m. to 5 p.m. (including the lunch hour)
- Friday: Closed

From: Deborah Leland <dleland9@gmail.com>
Sent: Friday, March 18, 2022 10:17 AM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Cc: Andrea Ruiz-Esquide <andrea.ruiz.esquide@gmail.com>
Subject: Can you add my name to the letter Andrea just sent?

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

Hi Kevin,

I was out of town and a little delayed in catching up on emails. I had intended to add my name to the letter Andrea just emailed you from the PREC Housing Committee re: **Comments on the NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CITY OF PIEDMONT 2023-2031 HOUSING ELEMENT UPDATE AND ASSOCIATED AMENDMENTS TO THE GENERAL PLAN.**

If you are able to add my name to that letter in some fashion, or add this note when you transmit it, that would be great.

Thanks,
Deborah Leland

March 18, 2022

Re: Comments on the **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CITY OF PIEDMONT 2023-2031 HOUSING ELEMENT UPDATE AND ASSOCIATED AMENDMENTS TO THE GENERAL PLAN**, dated February 16, 2022.

Kevin Jackson
Planning & Building Director
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
Kjackson@piedmont.ca.gov

Dear Mr. Jackson,

As members of the Piedmont Racial Equity Campaign (PREC) Housing Committee, we are happy to see the progress of the Housing Element update (Housing Element update or project). Below is our response to the Notice of Preparation (NOP) for the Housing Element Environmental Impact Report (EIR).

EIR APPROACH. The purpose of this programmatic EIR is well described in the August 2, 2021 Council Agenda Report as: "The intent of seeking an environmental review for the maximum built-out provided by the updated Housing Element is to facilitate the production of multi-family housing projects by relieving the burden for a development project to complete a full environmental impact report (EIR) and because some or all of the environmental analysis would already have been completed as part of the Housing Element EIR and its mitigation measures." PREC agrees this should be the primary purpose for this programmatic EIR and the guiding principle for any environmental review.

There are limited multi-family housing opportunity sites in Piedmont, due to its small size and well developed nature. These few sites should be identified in the Housing Element update and in the programmatic EIR as multi-family housing opportunity areas. Environmental impact review for housing development in these multi-family housing areas should be the primary focus for staff and the consultants.

PROPOSED PROJECT DESCRIPTION. We are pleased to see that the project is described as both the comprehensive Housing Element and "related edits" to other General Plan elements. We hope to see a package of amendments moving forward to

an integrated environmental analysis. Amendments to policy, data and diagrams in several elements will probably be needed to create internal consistency with a Housing Element proposal that meets the RHNA. In addition to the elements specifically referenced in the NOP (Land Use Element, Design and Preservation Element, Environmental Hazards Element, and the Natural Resources and Sustainability Element) we note that among sites likely to be evaluated as possible sites for housing are several that would require amendment to the Parks, Recreation and Open Space Element if housing becomes a permissible use. There are also sites where housing is a permissible use currently but where amendment to the Land Use Element's classifications may be needed to enable realistic floor area ratios.

We would like to bring attention to the need for careful review and revision of the text in the Land Use and Parks, Recreation and Open Space elements in particular. There is policy language in both of the elements that might be inconsistent with certain housing actions. Amendments to these elements should be drafted as part of the public process and advanced as part of the package reviewed by the EIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES. We appreciate the explanation in the NOP that the Housing Element update does not include “approval of any physical development.” As has been made clear at many points in the Housing Element process, the City is required to identify sites for the full RHNA allocation, so evaluation of probable environmental effects of full buildout is appropriate. However, given the very ambitious nature of the RHNA and the fact that the specific details of the actual development projects that will be facilitated by the policy changes are still unknown, it will also be appropriate for the EIR to make clear to readers that the impact analysis is likely a conservative “worst-case scenario.” Readers should understand that any significant adverse impacts identified in the EIR may not occur, may occur with lesser intensity (should the target level of housing production not occur), or may occur gradually over time, giving the City ample opportunity to mitigate those impacts. We encourage the City to identify mitigation measures that can “scale up” or “down,” and tailor them as appropriate, depending on the specifics of each development project, and consistent with basic constitutional principles of nexus and proportionality.¹ Finally, we request that the City take advantage of the many avenues for streamlining environmental reviews the Legislature has provided within CEQA in recent years, and structure the EIR to expedite future housing approvals.² In particular, we encourage the City to adopt standards and policies to mitigate impacts before they occur, thus

¹ See CEQA Guidelines Section 15126.4(a)(4).

² See Office of Planning and Research, *Technical Advisory: CEQA Review of Housing Projects*, January 2020, available at https://www.opr.ca.gov/docs/20190208-TechAdvisory-Review_of_Housing_Exemptions.pdf

providing predictability to the development process and expediting housing construction.³

COMMENTS ON SPECIFIC IMPACT TOPICS. While planning to meet the RHNA represents a challenge for Piedmont, because of its housing constraints and its relatively stable population over time, we urge the City to keep in mind that it is a rather modest increase in population, from a city and a regional perspective. In fact, if all of the units in Piedmont's RHNA were to be developed (something that is unlikely to happen overnight) it would represent a total of about 1,300 persons over the 2023-2031 sixth housing cycle.⁴ For this reason, we believe that for most topic areas, such as Air Quality and Greenhouse Gas Emissions, Biological Resources, Noise, Hazards and Hazardous Materials, etc., it is unlikely that this modest increase in population would lead to significant environmental impacts. However, if the EIR does identify any significant impacts, we encourage the City to identify and adopt standard construction measures, best practices and/or off-the-shelf mitigation measures, to bring any identified impacts to a less-than-significant level.⁵

We want to bring your attention to particular impact areas, as follows:

Aesthetics. Although the NOP contains no similar language, the Scope of Work for the consultants working on the EIR strongly suggests that change in visual character may be considered an adverse impact simply on the basis of not "maintaining the existing visual character of the city."⁶ This is subjective and problematic. There is current policy language in the Land Use Element that can be interpreted as supporting this "any change is bad change" approach - and that language needs amendment as part of the current process. The basis for the aesthetics evaluation in the absence of any site specific proposals is particularly challenging - how will this be managed? The scope references "relevant city thresholds." What are these?

³ See CEQA Guidelines Section 15183 - Projects Consistent With A Community Plan or Zoning.

⁴ The average household in the Bay Area has 2.36 persons; if 587 units were created, at a rate of 2.36 per unit = 1,385 persons. See

<https://www.census.gov/quickfacts/fact/table/sanfranciscocounty/california/AGE295219#AGE295219>

⁵ See, for example, Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines* (2017) and *CEQA Thresholds for Evaluating the Significance of Land Use Projects and Plans* (draft, 2022), available at

https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en and

<https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/final-ceqa-thresholds-report-for-climate-impacts-02092022-alt-pdf.pdf?la=en>, respectively (suggesting mitigation measures for plans); see also

Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts Under CEQA* (2018), available at https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf (mitigation measures to reduce Vehicle Miles Traveled impacts).

⁶ See Rincon Consultants Scope of Work, Attachment 1 to August 2, 2021 council Agenda Report, page 23.

The aesthetics questions in Appendix G concern scenic vistas, scenic resources such as state scenic highways, scenic quality, and glare - all issues that affect the public at large, and not private views. Indeed, courts have acknowledged that while “a project that interferes with scenic views has an adverse aesthetic effect on the environment (...) obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact,” and have warned that extra height or density in an urban environment will generally not rise to an aesthetic impact. (See, e.g. *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572 [dismissing allegations of aesthetic impacts of a four-story building in an urban setting], and cases cited therein). We ask that the EIR follow the guidance of the Office and Planning and Research (OPR) and the case law in its consideration of aesthetic impacts caused by the project - if any.

Land Use and Planning; Population and Housing. These are two areas where it will be important that the project include amendments to existing City policy documents and General Plan elements, to avoid inconsistencies between the different elements. In general, however, we believe that the project will not meet any of the thresholds of significance in Appendix G for these topics: it is unlikely to physically divide an existing community or cause a significant impact due to a conflict with a land use plan *adopted with the purpose of avoiding or mitigating an environmental impact*. Nor will it induce substantial *unplanned* population growth, or displace substantial amounts of people, necessitating the construction of replacement housing elsewhere. On the contrary; the project would lead to a modest population increase in an already urbanized area, which will be beneficial for the environment and consistent with a host of state and local laws adopted to mitigate environmental impacts.

Public Services and Recreation. Under Appendix G, the threshold of significance for impacts to public services or recreation is whether the project would result in “substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives” for public services, including fire and police protection, schools and parks. As with the other topics, we firmly believe that the relatively modest increase in population brought to the City as a result of the RHNA, were Piedmont to meet its goals, would result in no impacts to public services or recreation. With regards to schools, for example, it is highly unlikely that the Housing Element update would lead to a large increase in student population, to require construction of new school facilities. Enrollment in Piedmont schools has historically oscillated between 2,550 and 2,700

students, and now stands at around 2,550.⁷ Census data, on the other hand, shows that the population of persons under 18 years old in the Bay Area is around 14%, and that the average household contains 2.36 persons.⁸ If Piedmont were to add as many units as its RHNA allocation, that would lead to a population increase of approximately 1,385 persons - and a total of 207 new students under the age of 18. Therefore, it seems clear that Piedmont schools now have sufficient capacity to accommodate any new students from the Housing Element update, and that no new schools would need to be built.

Similarly, Piedmont residents are well served by parks and open space: 96 percent of Piedmont residents live within a 10-minute walk of a park.⁹ Piedmont is blessed to have a variety of parks, from athletic fields to dog parks to community parks such as Piedmont Park. It is unlikely that the modest addition of more residents, as a result of the Housing Element update, would necessitate the construction of new parks, potentially leading to any physical impacts on the environment.

Transportation. We appreciate the emphasis on understanding the Project's potential impact on Vehicle Miles Traveled (VMT). We recommend that the EIR consider not only the total VMT impacts resulting from the project as a whole, but also that it identify which of the screening criteria identified by OPR for particular land uses would apply to future housing developments consistent with the Housing Element. For example, OPR has identified that, in general, projects that generate fewer than 110 trips per day may be assumed to have a less-than-significant transportation impact. Likewise, there is a presumption of less-than-significant impacts for projects located near transit stations. And, affordable housing projects also enjoy a similar presumption.¹⁰

Further, we note that a significant percentage of the EIR consultant's budget is dedicated to transportation. We recommend that, in addition to the VMT analysis outlined above, the EIR focus on the arterial routes in Piedmont that are adjacent to the multi-family housing opportunity sites. These routes would include the Grand Ave. commercial district, the Highland Ave. Civic Center area and Moraga Ave. adjacent to Blair Park and Coaches Field. Multi-family housing projects may increase vehicle, bicycle and pedestrian traffic on these arterial routes, but much of this increased traffic may be accommodated within existing infrastructure and improvements that are already being planned. In particular, we note that the recently-adopted Safer Streets Plan calls

⁷ See Piedmont General Plan, Community Services and Facilities Element, Chart 9.2: School Enrollment in the Piedmont Unified School District, 1995-2008; for current enrollment information, see <https://www.piedmont.k12.ca.us/district-info/students-staff/>

⁸ <https://www.census.gov/quickfacts/fact/table/sanfranciscocountycalifornia/AGE295219#AGE295219>

⁹ In contrast, the national average is 55%. See <https://www.tpl.org/city/piedmont-california>

¹⁰ Office of Planning and Research, *Technical Advisory*, pp. 12-14.

for priority improvements on several intersections along Oakland, Grand, and Moraga Avenues.¹¹ And, the City is already well served by transit, with the P line offering commuter-hour service to Downtown San Francisco, and the 33 bus line offering convenient service every 20 minutes during weekdays, and connections to Downtown Oakland, BART and regional transit.¹² For these reasons, we believe that the addition of multi-family housing along the opportunity sites may not require considerable new transportation investments. However, we agree that these issues should be considered comprehensively as part of the planning process, to help identify any potential impacts or necessary upgrades, and facilitate housing approvals in the future.

Utilities and Service Systems. An optional citywide sewer study was approved by the City Council on August 2, 2021. Staff should exercise this option and include this citywide sewer capacity study as part of the programmatic EIR. The system and hydraulic model work should focus on denser development in the multi-family housing opportunity areas. This also will meet the primary purpose of using the programmatic EIR to study potential impacts of multi-family housing projects.

Wildfire. Staff in a prior RHNA letter has indicated that housing development may present some challenges in certain areas due to narrow streets, fire risk and the need to maintain emergency vehicle access. The programmatic EIR should identify these areas and recommend potential mitigation measures, such as vegetation and on-street parking management.¹³

We appreciate the opportunity to provide comments on the NOP. We look forward to reviewing the Draft EIR.

Please feel free to contact Ellen Greenberg (e2lengreenberg@gmail.com) or Andrea Ruiz-Esquide (andrea.ruiz.esquide@gmail.com) with any questions.

Yours truly,

Members of the Piedmont Racial Equity Campaign Housing Committee

¹¹ See Piedmont Safer Streets (2021), Figure 4, page 37, available at https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/General%20Plan/PSS_final%20draft%20plan_Oct.%2028,%202021.pdf?v=6y8AklEox

¹² See AC Transit, 33 Bus Route Schedule, available at https://www.actransit.org/sites/default/files/timetable_files/33-2021_12_05.pdf

¹³ See Piedmont General Plan, Environmental Hazards, page 6-9, available https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/General%20Plan/GP%20EHE%20adopted%202020-2-18.pdf?v=NLLy8pZp8

Meghan Bennett
Irene Cheng
Carol Galante
Ellen Greenberg
Sarah Karlinsky
Jill Lindenbaum
Alice Talcott
Andrea Ruiz-Esquide
Randy Wu

Kevin Jackson
Piedmont Planning & Building Director
120 Vista Ave.
Piedmont CA 94611

Re: Comment on 2/16/22 Notice of Proposal for Piedmont's Draft EIR

The City asked for comment regarding the “scope and content” of the draft EIR, as it applies to the 2023-2031 Housing Element – particularly relating significant environmental issues. Below is a suggestion and three comments to be considered:

Suggestion: *The City Needs More Community Outreach for the Housing Issues.* The City should acknowledge that the Housing Element process and the EIR requirements are still not widely known to many in Piedmont. Meetings held by the Housing Advisory Committee and the Planning Commission on these topics have not been well attended, and meeting input is dominated by housing / planning professionals, contractors, and members of the Piedmont Racial Equity Campaign. The lack of contrary or critical housing opinions should be a concern for the City. Although Piedmont has the website and runs *Post / Exedra* articles, it seems the message is still not being received. Perhaps because of COVID, or because the housing issues are so complex. The City should expand its outreach through public meetings, explanatory mailers, city-wide surveys, and a clearer website with actual plan details.

Comment #1: *The EIR Scope is Overbroad, and the Public Cannot Assess what it Covers.* Admittedly the proposed report is a “Programmatic” EIR - to guide future project EIRs. But with the open-ended topics/descriptions in the scope, it is difficult for the general public to analyze it. The NOP suggests that the Housing Element could have far reaching implications on noise, land use, transportation, public services, utilities and other CEQA topics. But how does the City envision it will impact these and other issues? Who is going to analyze, explain and prioritize these conditions? City staff? The hired housing consultants? Right now, the proposed EIR scope (and the material on *piedmontishome.com*) is so non-specific that useful public feedback is not possible. The topic list on the CEQA “wheel” covers everything under the sun. And there is no indication what property types or Piedmont areas will be targeted for the Housing Element. How can the EIR scope be approved without more specifics? The EIR needs to be better explained to the public, and at least define the specific housing issues and alternatives to be covered. (e.g., ADUs, split lots, municipal lands, etc).

Comment 2: *Piedmont's Parks should be Excluded from the EIR and Housing Element.* Piedmont parks have been targeted by certain groups as the so called “easy solution” for affordable housing over the last 18 months. But this ignores the importance of community parks, and ignores Piedmont's obligations to protect established parks for its tax-paying residents under state and local law.

Piedmont has just 44 acres of parks. This equates to roughly 5.5 acres per 1000 residents - less than half the standard set by the National Recreation & Park Association. Piedmont's General

Plan says parks are a “vital civic necessity” and “make a significant contribution to Piedmont’s quality of life.” California law provides that preserving open space and parks “is a matter of public interest” and that these resources must be “conserved wherever possible.” Under the Piedmont City Charter and the Municipal Code, parks are classified in Zone B which zone cannot be reduced/enlarged/reclassified without a ballot measure. While we may not have a large park inventory, what we do have is an important asset for Piedmont to be protected.

Under these rules, using Piedmont parks for multi-unit housing is contrary to our current land use plan. It would require a ballot measure to change it. It would also be unprecedented in California – since it appears no municipality has donated parkland for affordable housing before. Piedmont residents have been paying property taxes for over 100 years to maintain and preserve our parks. Putting parks in the housing site inventory is a bad idea, and would set a challenging precedent for other California cities. Piedmont must exhaust all other land-use possibilities before it uses parks for affordable housing. The future residents of the 587 units will also want parks, and would presumably agree.

Comment #3: Environmental Factors Applicable to Blair Park. At the 3/1/22 Planning Commission meeting, you asked for personal opinions and experience relating to Environmental Factors on Piedmont properties. In reviewing “Appendix G” to the CEQA Guidelines (Environmental Factors), four factors should of substantial concern for Blair Park development: VII.Geology/Soils; XXX.Wildfires; IX.Hazardous Materials; and XI.Land Use/Planning.

First, the slope portion of Blair Park is a “liquefaction zone” on the USGS Hazard Map – San Francisco Bay Area. Two landslides have occurred on these slopes, which were addressed and re-graded by Piedmont Public Works. The risk of landslides to the proposed parcels and the heightened property insurance premiums need to be considered. Second, Blair Park is designated a high wildfire risk zone by many property insurers. This risk, the fire downslope characteristics, and the limited exit options for potential residents must be reviewed. Third, the Blair Park slope portion was a garbage dump in the 1930s (or before). Residents frequently encounter tires, vehicle and appliance parts, and other refuse on the property borders which extend below grade. Hazardous material such as paint canisters and glass exist, and must be evaluated. Finally, CEQA requires consideration of significant environmental impacts due to conflict with municipal land use plans. As reviewed above, Piedmont and California both have robust protections for parks and open space. Converting historic parkland into public housing would pose a significant conflict to these well-established policies.

Thanks for the chance to provide some feedback and comments,

-Mike McConathy (Scenic Ave.)

Sent via form submission from [Piedmont Housing Element](#)

Name: George CHILDS

Email: gdchildsjr@sbcglobal.net

Message: Will this project include discussions regarding how to accomplish increases in infrastructure needs? For instance: Traffic on current narrow streets. Sewer capacity. Water supply. Electric and communications facilities. Emergency services; i.e. police, fire, ambulance, hospitals etc.

Does this submission look like spam? [Report it here.](#)

Sent via form submission from [Piedmont Housing Element](#)

Name: Valerie Matzger

Email: matzger@comcast.net

Message: I am concerned about preservation of green spaces which give pollinators, birds and other creatures a place to thrive. I'm also concerned about pollution and lack of water that are made worse by a burgeoning population. It seems that ABAG and the business community is locked into the old model of grow or die- the capitalists agenda that is bringing our world to the brink of ecological ruin.

Does this submission look like spam? [Report it here.](#)