

ATTACHMENT G Public Comment on the 6th Cycle Housing Element, received November 10, 2022, to January 6, 2023

DATE	FORM	NAME	COMMENT
10.13.22	online form from website	Ann McClain	First of all, I object to the State of California taking over City of Piedmont decision making, e.g. requiring over 500 more units in Piedmont. One idea I haven't heard is for the redevelopment of a single family house into a 4 plex. I find this idea far more palatable to keeping the small town, residential appearance of Piedmont than other ideas I have heard. Only 100 houses would need to be converted throughout the city, along with some ADU's, and a Corporation Yard complex to meet the quota. I am not in favor of building at Blair Park or in Central Piedmont. Frankly, I think the number of required units should be challenged.
10.13.22	online form from website	Joshua Gitter	I am a Piedmont homeowner for 10 years, with 5 members in my family living in our Piedmont home. We all feel strongly that the Most Rational location for building more housing is on Grand avenue in the commercial district, where the dental offices and hardware store are located. This is the appropriate location for large 10 story apartment buildings. Thank you for your consideration.
10.13.22	online form from website	Tim Jones	The community outreach and communication to all Piedmont residents has been a failure. Instead of a few obscure banners please use the community outreach budget to do a mass mailing to all Piedmont households that lists the process, all electronic resources and set up a opt in email notification process that pushes out all actions, proposals and future activities. Over the past two weeks since I have been made aware of the activities every single neighbor and friend I have contacted have been unaware of the actions to date or have significant misinformation. You must communicate better and thoroughly with all Piedmont residents. It is essential that all residents are aware of the process and activities. This is a basic requirement of elected officials who are deciding items that will alter significantly the future of Piedmont. As long as people are informed fully I will support any plan even if I may not personally agree with all the details. My family and I do not support the proposal to include the central school and business district for high density housing. Others have already detailed the reasons for the opposition at the Planning Commission and City Council meetings. I know this is a complex and difficult mandate for the City to complete. Thanks for taking on the task.
10.20.22	online form from website	Kevin Lacker	I saw in the SF chronicle today an article about how many cities are suffering a state penalty where their local zoning can now be disregarded. "Until last week, many cities, including San Francisco, incorrectly assumed they had a "grace period" of a further 120 days before penalties started. They don't. These cities will likely be unprepared to submit a compliant plan before Jan. 31. If that happens, builder's remedy applications would open on Feb. 1." https://www.sfchronicle.com/opinion/openforum/article/builders-remedy-california-17517171.php . I hope Piedmont is prepared to certify a compliant plan by Jan 31!
10.22.22	online form from website	Greg Jurin	Dear Honorable Mayor, City Council, Members of the Planning Commission: I am Gregory Jurin and I live at 1311 Grand Avenue. I am aware that the Council is in the process of updating the City's Housing Element, a planning document that doesn't commit the City to build any housing. I disagree with the Council decision to ask staff to remove the "Civic Center" sites from the available inventory list. I want you to add back Civic Center as an available housing site. This will ensure that all parts of Piedmont do their fair share of accommodating the housing required by the State. Please refer to the Civic Center Feasibility Study, dated August 1, 2022. The City's own consultant, EPS, in their Civic Center Feasibility Memo, recommended that affordable housing is both desirable and feasible in the Civic Center. EPS offered a number ways to make Civic Center a usable site, including parcel reconfiguration, state funding, relaxing parking standards, accepting below-market/no-cost ground leases, etc. Specifically, EPS offered 4 scenarios to illustrate how different policy & funding can affect project feasibility. EPS demonstrated that there is a path towards feasibility! EPS acknowledged that this may take time but that does not provide adequate justification for excluding the Civic Center from consideration. None of EPS' considerations pose an insurmountable barrier. Staff has already pointed out that San Jose and other cities have included public facilities as viable sites. By relocating all Civic Center units to Grand Avenue there would be considerable impacts on Beach Elementary. Alternatively, if the Grand students were allocated to Havens and Wildwood they would lose the valuable amenity of being able to walk to their local school, not to mention having no chance of living closer to future upgraded amenities such as the pool and Recreation Center. This would undoubtedly have other downstream/unintended impacts on traffic, parking, and pedestrian safety. Thank you for your time and consideration of this important issue. Thank you for your public service and thoughtful consideration of this important issue. Finally, please include this letter in the administrative record.

10.27.22	online form from website	Michael Gomez	<p>Link to PDF HERE and Attachment #1_10.10.22-1.6.23 Dear Mayor King and Members of the City Council - Please find attached a letter providing comments on the City's draft Housing Element Update.</p> <p>I appreciate the time, effort and resources you and City staff have spent on this important planning process, recognizing in particular the challenges to siting new affordable housing in Piedmont. As described briefly in the letter, I have had the privilege of being involved in several projects in which California cities and counties have creatively addressed the need for affordable housing in connection with the redevelopment of their civic infrastructure. I would be happy to share more of that experience with you or any member of City staff if you think it would be helpful, either now or at any time during the ongoing discussion of the Housing Element and the civic center master planning process.</p> <p>Kind regards,</p>
11.14.22	online form from website	Irene Cheng and Deborah Leland Co-chairs, PREC Housing Committee	<p>Link to PDF HERE of Attachment #2_10.10.22-1.6.23 Attached please find a letter from the Piedmont Racial Equity Campaign (PREC) Housing Committee regarding the latest revisions to the Piedmont 6th Cycle Housing Element. Thank you for your consideration.</p>
11.14.22	online form from website	Alice Talcott	<p>Link to PDF HERE of Attachment #3_10.10.23-1.6.23 Please see attached my comments and recommendations in advance of Tuesday's City Council meeting. Thank you for your consideration.</p>
11.14.22	online form from website	Chris Read	<p>Blair Park, along Moraga Ave, is a perfect place for high density housing! The site is easily accessible for developers. Everyone who drives on Moraga Ave past Blair Park knows that it is very underused! Who wants to be in a park with such heavy traffic speeding past?</p> <p>Please move the new Blair Park from its current 4.85 acre location in Moraga Canyon. The park, not housing, would be better located on a portion of the original 75 acre Blair Park site, above Coaches Field-high on the hillside (see historyofpiedmont.com search Blair Park)! All Piedmont residents could enjoy this superior park location high on the hill with its mature trees, some of the original graded trails, and unsurpassed views!</p> <p>Following is a description of our magnificent hillside from the San Francisco Morning Call newspaper, Sunday, March 22, 1891. Page 8: "a splendid view is had over the whole of, that ranges from the Golden Gate inward to the Contra Costa shore. To gain this view at the back to an altitude of some 700 feet, dominates the whole surrounding country and gives the view in panorama of everything from Berkeley to Alameda on this shore and from Mount Tamaulipas down along the Coast Range"</p> <p>Isn't it better for our climate issues, if Piedmonters just walk out of their houses' to a majestic new Blair Park on the mountain for exercise, rather than jumping into their cars to drive somewhere else? It was a highly desired destination for people in 1891 and it could be again!</p>
11.14.22	online form from website	Andrea Ruiz-Esquide	<p>Link to PDF HERE of Attachment #4_10.10.23-1.6.23 Dear City Council Members, I am attaching a letter that contains my comments on the proposed revisions to the Draft Housing Element, for your consideration before tomorrow's hearing.</p> <p>Thanks so much for all your work on this.</p>
11.14.22	online form from website	Michael Gomez	<p>Link to PDF HERE of Attachment #5_10.10.22-1.6.23 Dear Mayor King and Members of the City Council -</p> <p>Attached please find a comment on the updated Draft Housing Element and the staff materials prepared for tomorrow's City Council Meeting.</p> <p>Thank you for your consideration.</p>

11.14.22	online form from website	Jill Lindenbaum	Greetings Staff, City Council Members and Planning Commissioners, I want to express appreciation to the staff for developing new ADU regulations and proposing new incentive programs to keep ADUs affordable. Overall, I would like to share my support for the proposed recommendations, which are in keeping with new state laws. I am bringing forward a concern I have with regards to the removal of owner occupancy restrictions for those ADUs that were approved prior to 2020 and if the owner agrees to a restriction that imposes a rent limit at a level affordable to very low income households, for 15 years. This is characterized in the recommendations as an incentive to get more affordable ADUs, but there is no obligation to rent. I believe we need to take a closer look at these recommendations to make sure they will deliver the intended results. It would be helpful to learn how many ADUs have the owner occupied requirement. In addition, the code is written as requiring a rent level that is set at affordable levels for very low income households, but there is no mention of any mechanism for the City to ensure that they are actually rented to very low income households. I would urge the Commission to change the way this is written to reflect the restriction includes a very low/low income requirement for all tenants versus a rent cap. To help administer such programs, we can look to organizations such as the Neighborhood Housing Services and Oakland's "Keys to Equity" Affordable ADU Program or Hello Housing ADU program and potentially work in collaboration with such a partner to implement an Affordable ADU program for Piedmont. The programs ensure that affordable ADUs are rented to low income households which will create more access to housing at all levels in Piedmont. If the City is depending on ADUs to deliver affordable housing, we need to stand up the right infrastructure to support it and we should incorporate these intentions into the HE recommendations now. Similarly, given the aging population of Piedmont's residents, I also want to offer feedback on Home Sharing, which is only lightly touched upon in the Draft 6th Cycle Housing Element currently and mentioned in the Staff's recommendations that you are currently considering. Home sharing can help owners (or renters) secure income, companionship and some basic help in the home and holds great potential to help Piedmont homeowners age in place. It is a true win win solution for our population and to address the affordable housing shortage. There are various ways the city can support more home sharing and incentivize affordable room rentals. I urge the city to take a closer look at Home Sharing programs and commit to exploring a Piedmont Home Sharing program. Without a city wide program, far too many homeowners will remain skeptical of becoming landlords and spare rooms will not be leveraged to everyone's benefit. In addition, there are ways the city can support affordable home sharing, including tying rent restrictions to parcel tax incentives or offering limited rental assistance, (i.e., security deposits, move in readiness) etc. Though the home sharing program, Roomily, that I have been operating for the last few years will be coming to a close in the coming weeks, I am happy to provide guidance on available resources in the field.
11.15.22	online form from website	Brynne Staley	Link to PDF HERE of Attachment Attachment_#6_10.10.22-1.6.23. Piedmont City Council. Please find attached our letter regarding new housing in Piedmont
10.15.22	online form from website	Anian Tunney	As a 5th generation Piedmonter, I strongly oppose the rush to move forward Most of the community really opposes this, and it is too important to move so quickly Please, please slow down and let the citizens have a say in this
11.14.22	online form from website	Catalano	Link to PDF HERE of Attachment_#7_10.10.22-1.6.23
12.16.22	online form from website	Diggs, Matthew Gelfand	Link to PDF HERE of Attachment_#8_YMIBY_10.10.22-1.6.23 Ms. Kenyon, Yesterday, the City of Piedmont announced its intention to adopt its sixth cycle housing element update on January 30, 2023. This would be unlawful. Because the City did not submit its first draft housing element to HCD until November 18 of this year, the earliest it can lawfully adopt its housing element is February 16, 2023. Gov. Code § 65585 (b)(1). This is true regardless of when the City receives comments on its housing element from HCD. If the City attempts to adopt its housing element in January, my organization is likely to immediately initiate litigation to invalidate it. If you or you client would like to discuss this with me, please let me know.

ATTACHMENT #1_10.10.23-1.6.22

October 27, 2022

Mayor and City Council
City of Piedmont
City Hall
120 Vista Ave.
Piedmont, CA 94611
(citycouncil@piedmont.ca.gov)

Re: Housing Element – Civic Center Site

Honorable Mayor King and Members of the City Council:

I am writing in support of “restoring” the property in the block including 120 Vista and 805 Magnolia (the “Civic Center”) as a potential site for affordable housing in the City’s Housing Element.

At its August 1 meeting, the council directed staff to drop the Civic Center from the site inventory subject to an analysis of whether all of the potential affordable housing identified on city-owned property in central Piedmont in the April draft Site Inventory could be relocated to parcels on/near Grand Avenue. Specifically with respect to the Civic Center, I believe this decision was premature, and would urge you to reconsider as you meet to approve the Housing Element prior to submission to the State for comment.

Models for Mixed-Use Development: Essential Service Facilities and Housing

I am an 18-year resident of central Piedmont. Before retiring in 2019, I spent 30+ years in the public finance investment banking business, assisting state and local public agencies finance their core facilities (e.g. – administration buildings, courthouses, police/fire stations, schools). During recent years, several of the city/county projects I worked on included forging creative partnerships with developers as those public entities confronted the need to significantly redevelop their civic plazas or other core infrastructure. Many of those projects were remarkably successful in effectively leveraging the need for improved essential service infrastructure to create additional community amenities, including more affordable housing, while adhering to local design standards and other important community values.

Two projects of this type that immediately come to mind include the Long Beach Civic Center and LA County’s Vermont Corridor project, both completed as innovative public/private partnerships in the last several years. The Long Beach project included the construction of a new City Hall (to replace a seismically unsafe older structure) and a new administration building for the Port of Long Beach, together with a new Main Library and the reactivation of an adjacent historic park, all located on two blocks of the City’s three-block civic center master plan area. The old city hall site is now being developed as affordable housing. LA County’s project replaced a handful of older government buildings along a two-block stretch of Vermont Street in Los Angeles, delivering a new, Gold LEED-certified headquarters for the County’s Department of Mental Health, housing (including an affordable senior housing component) and additional community space. A further example for which I briefly consulted,

currently in development, is SF MUNI's plan to incorporate affordable housing into (most likely on top of) a newly-modernized bus maintenance facility in the Potrero district of San Francisco.

The Opportunity to Include Housing in a Redeveloped Piedmont Civic Center

While these projects differ in scale from Piedmont's civic center, I believe the City's urgent need to upgrade its essential service facilities - City Hall; the fire and police stations; and Veterans Hall – presents the City with a similar opportunity to explore creative development processes and partnerships that would allow inclusion of a certain amount of affordable housing on the site as well.

City staff initially seemed to agree. Despite the fact that a comprehensive assessment of the improved public facilities the City will need at the Civic Center is still under development, the draft Housing Element released in April suggested that up to 40 units of affordable housing might be incorporated in a reimagined, redesigned Civic Center project. Outside consultants retained to conduct a high level financial feasibility analysis for affordable housing on the City-owned site concluded that it would be challenging, but not impossible and noted that feasibility would be enhanced by the ability of the housing to share certain project elements (e.g. – parking) with the improved public facilities on the site.

Staff's presentation to the City Council on June 20 included data showing how many City and PUSD employees might meet the income eligibility requirements to live in units at the Civic Center. The potential to provide housing in central Piedmont to families of City/PUSD employees, among others who can not currently afford to live in town, would bring obvious benefits not only to those families but to the City, the school district and the community at large.

I was thus surprised and disappointed when City staff, in its memo prepared for the August 1 Council meeting, recommended that the Civic Center site be dropped from the Housing Element site inventory, pending the additional analysis. When asked by Council members "what had changed?" in the intervening six weeks, the response was not particularly compelling. Without further elaboration, staff simply said that work done since the June 20 meeting had revealed "significant complexity" with regard to the Civic Center sites and suggested that – given the dire need to improve the City's public facilities - the Council would be best served by "prioritizing the master planning effort for City service infrastructure [in the Civic Center] in advance of commitment to developing housing on these parcels."

The Benefit of Including the Civic Center in Piedmont's Housing Element Site Inventory

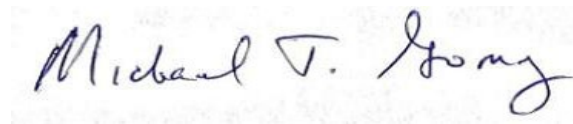
There is no doubt that redevelopment of the Civic Center – whatever form it takes – will be complex. However, rather than waiting, now is exactly the right time – as the master planning process for the Civic Center is getting underway in earnest – to investigate what options there might be for successfully integrating housing into the project. Along with the challenges presented, it's also important to remember the advantages of the Civic Center site. Unlike the Grand Avenue sites being currently analyzed, the City owns the Civic Center site and can fully control what gets developed there. Based on my experience, this is a huge advantage if the City is committed not only to its planning obligations for affordable housing but also to doing its best to ensure that such housing actually gets built.

For these reasons, I would highly recommend that the Council include the Civic Center in the final Housing Element site inventory, in addition to other identified sites. Given Council's direction to staff in August, I assume that the revised Housing Element will show that the City can meet its affordable housing allocation without including any sites in central Piedmont. Inclusion of the Civic Center site in the inventory would thus show a "surplus" of potential affordable housing sites in Piedmont, sending a very positive message to a variety of important constituencies.

To the State and to our peer cities throughout the region, inclusion of the Civic Center site would show that Piedmont is supportive of developing more affordable housing than the bare minimum required by State law, and is willing to explore all options on land controlled by the City. Just as importantly, to members of the Piedmont community – particularly to those who live in Moraga Canyon and along the Grand/Linda corridor - it would show that the City Council is committed to fully evaluating the potential for developing affordable housing in all areas of the City, including the "highest resourced" neighborhood of central Piedmont.

While incorporating housing into the Civic Center may be challenging for operational or market-based reasons, based on my experience working such projects in other jurisdictions, it is definitely a possibility worth fully exploring. The truth is we'll never know how much housing might be successfully included in the Civic Center unless we commit our best efforts to find out. I believe incorporating the Civic Center site in the Housing Element inventory would be an important step in that direction and encourage you to take that action at your upcoming meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael T. Gomez". The signature is written in a cursive style with a large, stylized 'G' at the end.

Michael T. Gomez
28 Sharon Avenue

cc: Sara Lillevand, City Administrator (slillevand@piedmont.ca.gov)
Kevin Jackson, Chief Planner (kjackson@piedmont.ca.gov)
Housing Element Staff (piedmontishome@piedmont.ca.gov)

PREC Piedmont Racial Equity Campaign

November 14, 2022

Piedmont City Council
120 Vista Ave.
Piedmont, CA 94611

Re: Revisions to Piedmont's Draft 6th Cycle Housing Element

Dear Members of the City Council:

We are writing on behalf of a group of Piedmont residents that includes several affordable housing experts, community development professionals, architects, and land use attorneys. We wish to support the City's efforts to follow state law and create a compliant Housing Element (HE) – and more broadly to do its fair share to produce more housing. We deeply appreciate all of the hard work undertaken by Piedmont's leaders and City staff. We believe the City should submit its revised draft to HCD as quickly as possible.

Summary

Although we support the City's broad efforts, we have major concerns about the latest proposed revisions to the HE – specifically the transfer of 84 low-income units from city-owned Civic Center sites to two developed commercial land sites on Grand Ave.

We continue to believe that the city-owned Civic Center sites present some of the most promising opportunities for the development of affordable housing in Piedmont. We urge the City to follow the recent recommendation of its consultants Economic Planning Systems (EPS) to **“include a program in the Housing Element to prepare a Civic Center Master Plan that includes the incorporation of affordable housing as a primary objective of the Plan.”** EPS recommends this plan include both 801 Magnolia and 120 Vista.

Unrealistic Sites for Affordable Housing

In its most recent draft, the City is projecting 83 low-income units on two sites on Grand Ave – one occupied by a thriving Ace Hardware and the other by a multi-tenant commercial building. The development of affordable housing projects at active business locations seems unlikely. Absent any evidence of concrete development agreements for these commercial sites, this idea is likely to draw scrutiny from the California Department of Housing and Community Development (HCD). Additionally, the City has added 59 above-moderate units on “small sites” on Grand Ave. Our understanding is that all of these are non-vacant sites, the majority currently occupied by single-family homes. It is unrealistic to project that many of these will be redeveloped into multifamily housing in the next eight years, even with an increase in allowed density.

Master Plan for Civic Center Public Spaces and Affordable Housing

The City's first draft Housing Element included several city-owned Civic Center sites in its site inventory, including the tennis courts, 801 Magnolia, and 120 Vista. At the direction of the City Council, most of these were removed from consideration. As part of its deliberations, the City hired EPS to complete two feasibility analyses exploring how housing might be incorporated into the Civic Center sites. EPS found that doing so would be challenging but not impossible. While we believe that EPS's conclusions were premature and in some cases based on erroneous assumptions, we also note that on page 7 in its most recent [report to the City](#), dated October 24, 2022, EPS recommended that the City **"include a program in the Housing Element to prepare a Civic Center Master Plan that includes the incorporation of affordable housing as a primary objective of the Plan. As part of the master planning process, the City will seek to optimize the configuration of both parcels [801 Magnolia and 120 Vista] to achieve the dual objectives of civic uses and new affordable housing."**

We ask the City Council to follow EPS's recommendation and add a program to the draft Housing Element to develop a master plan for Civic Center that includes affordable housing.

Accessory Dwelling Units (ADUs)

The most recent revisions to the HE include a higher number for ADUs and a greater reliance on ADUs to meet its low-income RHNA requirements (96 out of 257 units). This is explained as consistent with the most recent ABAG guidance to cities. We do not quarrel with staff's eagerness to count as many ADUs as it can. However, many ADUs in Piedmont are not rented out and there is little evidence that they contribute to the supply of low-income housing. We urge the City to collect data on how many ADUs are rented to low-income households, to support its projections.

Draft Environmental Impact Report (DEIR)

The City engaged Rincon as its EIR consultant in August, 2021. A Notice of Preparation (NOP) was issued early this year. We urge the City to complete the draft EIR, since it should address many of the concerns that residents have about traffic safety, fire emergency response, and utility infrastructure improvements. Completion of an EIR will be essential to the City's implementation of its housing plans.

Buffer

We have commented before on the need for a buffer in the site inventory of at least 20% especially for affordable housing. This buffer is recommended by HCD, as only a percentage of planned affordable housing projects will materialize. Piedmont has no track record of developing multifamily affordable housing, and is relying on many non-vacant sites in its site inventory. The current draft HE has a total buffer of only 9.7%. We recommend that the City retain 801 Magnolia in the site inventory, to augment its buffer.

Measure A1 funding for affordable housing

The schedule for Piedmont's use of its Measure A1 grant has been extended through 2024. We ask the City Council to ensure that Piedmont's A1 allocation is used. This is dependent on

initiating the Moraga Canyon specific plan before the end of 2022, the completion of the Housing Element programmatic EIR, and issuance of an RFP for an affordable housing developer for a designated site.

Conclusion

We ask you to implement the EPS recommendation for a master plan for Civic Center that includes affordable housing. As the Grand Ave. sites for affordable housing may be rejected by HCD, the City Council should direct staff to make this master plan a top priority program.

Thank you for considering our comments and recommendations.

Very truly yours,

Irene Cheng and Deborah Leland
Co-chairs, Piedmont Racial Equity Campaign Housing Committee

Cc. Planning Commission, City Administrator, Planning Department

ATTACHMENT #3_10.10.22-1.6.23

November 14, 2022

City Council
120 Vista Ave.
Piedmont, CA

Re: Revisions to the Draft Housing Element 6th Cycle

Dear Mayor King, Vice-Mayor Cavanaugh, Councilmembers Andersen, McCarthy and Long,

Thank you for your efforts to support the creation of a Housing Element that not only will meet state requirements but also serves as a meaningful blueprint for Piedmont to address our regional housing crisis. This has been a very big lift by City staff, its consultants and by its elected and appointed City leaders. I'm very encouraged by and appreciative of the great strides the city has made in this effort and believe **the City should approve and submit its revised draft to HCD as quickly as possible.**

However, I have significant concern that some of the sites that have been identified for Low and Extremely Low Income Units are unrealistic and unlikely to result in the actual production of units for these income categories. In particular, I'm concerned with the changes to the site inventory to move 83 units from the Civic Center to Grand Avenue. As this process has demonstrated, there are no easy sites for housing development in Piedmont—all of them are difficult. **However, the two Grand Avenue parcels are particularly difficult and highly unlikely to be built for this income level due to financial infeasibility.** First, they are non-vacant sites that are occupied by thriving, popular commercial businesses. Presumably the owners have indicated some interest in selling for them to be included in the Site Inventory, but given their current uses, there's little reason to think they could be obtained at a cost or terms that would make affordable development feasible. Moreover, the public funds needed to develop the sites as affordable housing would trigger state and federal relocation requirements for the displaced commercial tenants that would add additional significant development costs, as would the necessary demolition of existing structures. And while it is theoretically possible to develop new ground floor commercial on the sites for existing tenants, that would also add significant complication, expense and risk while extending development timelines and would still necessitate paying

expensive temporary relocation to the displaced tenants. As an affordable housing development professional with 30 years of development experience, where I have seen complicated, expensive privately owned sites such as these work is in cities that have significant funding to provide toward the increased costs. That is not the case here.

In contrast, the City-owned sites in the Civic Center where the 83 Low Income units were moved from (and which have now been entirely removed from the site inventory) are more feasible sites for low income housing development. Because there is already an identified need and general intention to upgrade civic facilities, this presents a real opportunity to integrate affordable housing into these plans in a location ideally situated near transit, schools and parks. This could be achieved in a number of ways, either with mixed use buildings that contain both housing and civic uses, or by reconfiguring and densifying city uses to free up a separate parcel for a stand- alone housing project. And by providing the site through a long term, below market ground lease, the affordable housing's financial feasibility is greatly increased, making actual development much more likely. This also puts the development in the City's control, unlike privately owned sites which require the willingness of private owners to sell. While the planning process would be extensive and funding for the city facilities would need to be obtained, I still think these sites provide a more realistic opportunity for the actual provision of low-income housing in Piedmont in the next eight years than the Grand Ave sites.

I urge the City to follow the recommendation of its consultants Economic Planning Systems (EPS) to **“include a program in the Housing Element to prepare a Civic Center Master Plan that includes the incorporation of affordable housing as a primary objective of the Plan.”** EPS recommends this plan include both 801 Magnolia and 120 Vista. After this Master Plan is approved, along with a financing plan, 120 Vista and 801 Magnolia then should be included in the 6th Cycle site inventory as viable public land sites for affordable housing.

I am also concerned about the increased reliance on ADUs in the Site Inventory to meet the Low and Very Low Income Housing goals, with 48 units of Very Low Income and 48 units of Low Income being allocated to new ADUs. While I understand the explanation that these allocations are being done consistent with ABAG guidance, there is little evidence that

ADUs that have been built in Piedmont in recent years are being used as rental housing, let alone as rental housing restricted to low income individuals or families. Unless there are very significant financial incentives to homeowners to restrict units to low income renters and compensate for below market rents, this goal is not going to be met.

This increase in allocation to ADUs was accompanied by a reduction in the number of Low Income units in Moraga Canyon on City-owned land from 100 down to 60. For the same reasons as cited above for the Civic Center, this site offers a more feasible path to actual development of Low Income housing. **I recommend the Site Inventory be amended so that number of Low and Very Low Income units be restored to 100 in Moraga Canyon, and the allocation to ADUs be decreased by 40.**

Thank you for considering my comments and recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Alice Talcott".

Alice Talcott
Wildwood Ave

Copy: Planning Commission, City Administrator, Planning Department

ATTACHMENT #4_10.10.22-1.6.23

November 14, 2022

Piedmont City Council
12 Vista Ave.
Piedmont, CA 94611

Re: Revisions to the Draft Housing Element for Consideration at the November 15, 2022 Special City Council Meeting.

Dear City Council Members,

As a long-time Piedmont resident and a land use attorney, I write to express my support to the City's efforts to finalize the draft Housing Element Update and submit it to the California Department of Housing and Community Development (HCD) as soon as possible. As explained in the staff report, the consequences of non-compliance with state law regarding the Housing Element are severe and include potential loss of funding and land use authority. Having a compliant Housing Element, on the other hand, allows the City to receive several state grants and funds, helps us maintain our land use authority intact, and, most importantly, ensures that we do our part to address our dramatic regional housing crisis.

The City originally published its Draft Housing Element in April of this year. During the summer, the City Council gave direction to the consultants to review the feasibility of developing affordable and moderate-income housing in the Civic Center and directed them to consider redistribution of the units that had been allocated to those sites. As a result, staff now is proposing to:

- remove the 74 lower-income units that had been identified in the site inventory in the City-owned sites in the Civic Center and relocate them to two half-acre sites in Zone D on Grand Avenue;
- redistribute 82 above-moderate-income units that were on these two half-acre sites on Grand Avenue, to smaller sites in Zone D along Grand Avenue and to the Moraga Canyon Specific Plan study area; and
- revise ADU projections to increase lower-income ADUs and reduce moderate- and above-moderate-income ADUs.

I am concerned that the first of these changes removes affordable housing from areas that are under the City's ownership and control (the Civic Center sites) and place them on sites that are not (the two large parcels on Grand Avenue, which are currently occupied with local businesses). Under Housing Element law, as part of the analysis of available sites, a local government must demonstrate the projected residential development capacity of the sites identified in the housing element *can realistically be achieved*. (Government Code Section 65583.2(c)). The staff report contains no such information. There is no support for the

assumption that it is realistic to expect that the small sites along Grand Avenue that have now received an allocation of above-moderate income housing will yield such development. And, there is no evidence to support the increased reliance on ADUs as affordable units. Put simply, these changes seem unlikely to yield housing, much less affordable housing. Consequently, they may make our Housing Element update more vulnerable to scrutiny by the state and may delay certification.

As part of its consideration of these changes, the City asked its consultant, Economic and Planning Systems, Inc (EPS) to perform a feasibility analysis of developing moderate or above moderate-income housing at 801 Magnolia, a site owned by the City, in the Civic Center. This EPS study follows an earlier EPS study regarding the feasibility of developing affordable housing in the Civic Center, entitled “Civic Center Housing Feasibility Analysis” presented at the August 1, 2022 City Council meeting. That analysis concluded that the economic feasibility of including housing, and affordable housing, in the future redevelopment of the Civic Center sites is challenging, but not impossible.

The latest EPS report concludes that developing moderate-income housing at 801 Magnolia would be infeasible. However, I ask you to consider whether the underlying assumptions for that conclusion are sound or should be revisited. For example, the report assumes a ratio of parking spaces per unit of 1.5. This, in an area of the City that is well served by transit and adjacent to schools, services, and retail, and just as there is growing awareness among policy-makers, developers, and the public, that parking requirements increase the cost of housing and are detrimental to our climate goals.¹ But, EPS falls short from altogether discarding the idea that some housing may be feasible in the Civic Center, in the near to medium term, and recommends that “the City exclude 801 Magnolia (and 120 Vista) from the Sites Inventory at this time and instead include a program in the Housing Element to prepare a Civic Center Master Plan that includes the incorporation of affordable housing as a primary objective of the Plan. As part of the master planning process, the City will seek to optimize the configuration of both parcels to achieve the dual objectives of civic uses and new affordable housing.” (ELS report, page 7).

I wholeheartedly agree with this last recommendation – but note that, without any discussion or elaboration, regrettably staff has not included it in its current list of proposed amendments to the draft Housing Element.

In closing, I encourage you to a) add 801 Magnolia to the site inventory, and b) add the policy recommended by ELS to the Housing Element. Inclusion of at least one Civic Center site would increase the City’s “buffer” for affordable housing in the inventory, which is currently very low and exposes the City to a finding of non-compliance by HCD. Second, inclusion of the site in the inventory, and the policy in the element, would show that Piedmont is supportive of developing affordable housing and is willing to explore all options on land controlled by the City, not just

¹ See, e.g., <https://www.latimes.com/california/story/2022-09-23/newsom-bill-banning-parking-requirement-transit-housing-climate-change>, discussing Assembly Bill 297.

the Moraga Canyon site. It would also demonstrate to members of the Piedmont community – particularly our Moraga Canyon and Grand/Linda neighbors - that the City is committed to fully evaluating the potential for developing affordable housing in all areas of the City, including the “highest resourced” neighborhood of central Piedmont, and not only areas on the margins of town.

Thank you in advance for your time and consideration,

Andrea Ruiz-Esquide

ATTACHMENT#5_10.10.22-1.6.23

November 14, 2022

Mayor and City Council
City of Piedmont
City Hall
120 Vista Ave.
Piedmont, CA 94611
(citycouncil@piedmont.ca.gov)

Re: Housing Element – Civic Center Sites

Dear Mayor King and Members of the City Council –

This is a follow-up to my letter of October 27, in which I recommended that you to include the Civic Center sites at 120 Vista and 801 Magnolia in the City’s Housing Element site inventory as “surplus” or “buffer” sites identified for affordable housing. While I still think that would be a sensible idea, I am writing this time - having reviewed the materials prepared for tomorrow’s City Council Special Meeting - to encourage you to follow the recommendation of your own consultants to **“include a program in the Housing Element to prepare a Civic Center Master Plan that includes the incorporation of affordable housing as a primary objective of the Plan.”**

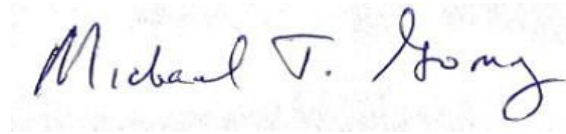
Economic and Planning Systems, Inc. (EPS), the City’s land-use planning consultants, have now conducted two high level feasibility analyses of housing on the Civic Center sites. I would interpret/summarize the results of those analyses as follows:

1. Development of affordable (low or moderate income) housing in the Civic Center – alongside the critical upgrades needed to the City’s essential service infrastructure there – will be challenging, but not impossible;
2. The City needs to figure out what its highest and best use is for 801 Magnolia (the site of the current Arts Center) as a component of the Civic Center; and, more broadly
3. Until the City undertakes a comprehensive Master Planning process for the Civic Center - which looks at all of the facilities and activities the City would like to prioritize in the area - it will be impossible to know how much/what kind of housing might be possible to incorporate in the Civic Center. As EPS put it in describing its full recommendation, **“As part of the master planning process, the City will seek to optimize the configuration of both parcels to achieve the dual objectives of civic uses and new affordable housing.”**

As an 18-year resident of central Piedmont, whose family has enjoyed all the benefits of living within a five-minute walk of K-12 schools, Piedmont Park, the recreation and community centers, AC Transit’s Piedmont hub, the city offices and the commercial amenities of “downtown”, I think the Civic Center continues to be one of the most promising sites for some amount of new affordable housing in Piedmont. I can understand (though I might disagree) that the current uncertainty surrounding exactly what that potential is could argue against including those sites now in the site inventory. However, I see nothing but upside from adopting EPS’s recommendation. Should it become clear that either of the

Grand Avenue sites or the Zion Lutheran Church site on Park Boulevard will not be developed as low income housing, the number of identified low income units in the City's plan would immediately drop to between 234-239, significantly below the RHNA allocation of 257. That's a tough number to make up simply by hoping that more low-income ADU's come online, spurring the need to identify "alternative sites" during the planning period. I think it would be prudent planning to have already started to look at one of the most promising remaining alternatives - by adopting EPS's recommendation to include a program in the Housing Element which would affirm the City's intent to evaluate housing as part of the Civic Center master planning process.

Sincerely yours,

A handwritten signature in black ink that reads "Michael T. Gomez". The signature is written in a cursive style and is centered on the page.

Michael T. Gomez
28 Sharon Avenue

cc: Sara Lillevand, City Administrator (slillevand@piedmont.ca.gov)
Kevin Jackson, Chief Planner (kjackson@piedmont.ca.gov)
Housing Element Staff (piedmontishome@piedmont.ca.gov)

ATTACHMENT #6 10.10.22-1.6.23

November 14, 2022

DRAFT

Sara Lillevand (slillevand@piedmont.ca.gov)
Kevin Jackson (kjackson@piedmont.ca.gov)
Clerk, City of Piedmont (clerk@piedmont.ca.gov)
City Council, City of Piedmont (citycouncil@piedmont.ca.gov)

Re: Housing Element

Dear City Leaders,

David and I are writing to express support for the City Council's decision not to include new housing in the center of Piedmont in the Housing Element being prepared by the City in response to State requirement. We understand that it makes sense for some cities to add new housing to their city center, since there are jobs, transportation, health and other services. However Piedmont does not a commercial or traditional center of town.

We agree that the Fire, Police and other emergency services in the center of Piedmont are in need upgrading and are essential to our town. Adding housing in the center of town would make these upgrades more difficult and would add significant congestion with the park, school and these services all in the same area. It would also be a potential safety concern for our students going to and from school and the park.

We strongly feel that to Moraga Canyon or on Grand Avenue would be better areas to address this issue. These areas could be developed to have better parking and potential for landscaped spaces for recreation or dog parks or community gardens. These locations have better access to transportation, shops and would help with lessening traffic issues.

We are unfortunately unable to attend the City Council meeting in person this evening, We very much appreciate all of the hard work that you have put in to arrive at a solution for our housing element.

Sincerely,

Dave and Brynne Staley

Statement by Ralph Catalano (128 Alta Avenue) to the Piedmont Planning Commission
on November 14, 2022

Preparing a Housing Element has provided us an opportunity to plan a whole new neighborhood, including 72 market rate and 60 below market rate homes in Moraga Canyon. If we plan carefully, we could celebrate a diverse, well-designed neighborhood physically and socially integrated into our community. I am here tonight, however, because I am concerned that in the rush to procure county housing loans, we may spoil this opportunity by producing a segregated neighborhood with 60 very low-income families relegated to Blair Park. I believe most Piedmonters would be, for moral reasons, troubled by such segregation. But I am hoping that you, as the logical and statutory guardians of good land use planning in our community, will be troubled also because of what we already know about the hazards of housing anyone in Blair Park.

A 2010 EIR for then proposed playfields in Moraga Canyon, found a significant and unmitigable safety hazard for drivers entering or leaving Blair Park. The hazard arose because no location on Moraga Avenue provided the 385-foot site distance Caltrans assumes for safe stopping of vehicles traveling at 35 MPH. More than 15% of vehicles traveling on Moraga Avenue *exceeded* that speed. The EIR also noted a similar hazard for pedestrians crossing Moraga Avenue at Blair Park, and that the likelihood of pedestrian injuries would increase if crossings increased. Pedestrian safety plans prepared by the city since 2010 have found that the safety hazards posed by short sight distances on Moraga Avenue remain and have no obvious solution.

The April draft Housing Element showed all 132 units integrated into the "safe side" of Moraga Avenue near Coaches field and the Corporation Yard. That option should be the first choice of the Moraga Canyon planning effort regardless of county loan opportunities. I suggest that the city consider moving the Corporation Yard to Blair Park if more land is needed on the safe side of Moraga to accommodate housing. The Corporation Yard would generate relatively few vehicular trips and would not tempt residents of the new neighborhood to cross Moraga.

In short, I urge you to use the influence of your office to ensure that we will soon celebrate a new, diverse, and *safe* neighborhood, physically and socially integrated into our community.



December 16, 2022

Sara Lillevand
 City Manager, City of Piedmont
 Via Email: slillevand@piedmont.ca.gov

RE: Failure to Timely Engage in the Sixth Cycle Housing Element Process

Dear Ms. Lillevand:

YIMBY Law, Californians for Homeownership, and California Renters Legal Advocacy & Education Fund are 501(c)(3) organizations devoted to using impact litigation and other legal tools to address California’s housing crisis. We are writing to express serious concerns about the City’s failure to timely engage in the process of developing its revised housing element. Because the City cannot legally meet the deadline for adopting its sixth cycle housing element update, we may initiate litigation against the City on or shortly after February 1, 2023 to compel the City to comply with housing element law.

Because there has been some misinformation spread among local agencies in the Bay Area about the deadlines for housing element adoption, we want to ensure that the City understands its obligations under state law. The City is required to adopt its sixth cycle housing element update by January 31, 2023.¹ There is no extension or “grace period” that modifies this deadline.² Indeed, the state government official ordinarily empowered to provide extensions for general plan adoption deadlines is statutorily prohibited from providing extensions of the housing element adoption deadline.³ And the City is not legally permitted to adopt a housing element update until 90 days have passed from the submission of an initial draft to the Department of Housing and Community Development (HCD).⁴ Thus, in order to timely adopt a sixth cycle housing element, the City was required to submit a draft housing element to HCD by November 2, 2022. It did not do so.

Because the City will not be able to lawfully adopt a sixth cycle housing element update by January 31, 2023, it will be immediately subject to litigation under Government Code Section 65750 *et seq.* Housing element litigation is given near-complete priority in the court system.⁵ If

¹ Gov. Code § 65588(e)(3)(A).

² We do not believe that there has been any good-faith confusion among Bay Area jurisdictions about this deadline. But there has been a concerted effort by some to spread misinformation about the effect of Government Code Section 65588(e)(4)(C). Section 65588(e)(4)(C) does not create a grace period. Instead, it merely sets out a deadline for one specific penalty associated with non-compliance—the penalty modifying the rezoning time limit. There is no ambiguity in the text of the statute as to the remaining penalties for housing element non-compliance; they apply after failure to adopt by the January 31, 2023 deadline. But even if idea of a “grace period” was the result of genuine confusion, that confusion was long ago put to bed in Southern California, whose cities and counties confronted these deadlines a year ago and learned (quite publicly) that no grace period applied.

³ Gov. Code § 65587(a).

⁴ Gov. Code § 65585(b)(1).

⁵ Gov. Code § 65752.

we are forced to litigate, in addition to being ordered to adopt a housing element on a short timeline,⁶ the City could also face a number of serious penalties. For example, the court could suspend permitting in the City,⁷ and it could judicially approve housing development projects within the City.⁸ The court could impose these penalties while the litigation is pending, even before reaching a final decision.⁹ And a successful plaintiff can obtain attorneys' fees under Code of Civil Procedure Section 1021.5.

Each of our organizations has a long track record of successful litigation against local agencies that violate state housing laws. Californians for Homeownership, in particular, has filed ten lawsuits in Southern California this year over violations of housing element law, including lawsuits against eight cities for failing to timely adopt housing elements. And all three organizations intend to seek strict enforcement of the deadlines for housing element adoption in the Bay Area, including through litigation if necessary. We assure you: this is not an empty threat.

But we are writing to offer the City an alternative to litigation. Our organizations will forego immediate litigation against the City if the City signs the acknowledgement provided below, without modification. If the City would like to take advantage of this compromise offer, please send the signed acknowledgement to housingelements@yimbylaw.org by December 31, 2022. Please do not respond with a summary of the reasons the City's housing element will be tardy; we are familiar with the full range of explanations, having engaged in this process for over a year in Southern California. If the City would like to avoid litigation, it can do so by providing a signed acknowledgement, not a letter explaining why its process has taken so long.

If you have any questions, please do not hesitate to reach out to us by sending an email to keith@yimbylaw.org, matt@caforhomes.org, and dylan@carlaef.org.

Sincerely,



Keith Diggs
YIMBY Law



Matthew Gelfand
*Californians for
Homeownership*



Dylan Casey
*California Renters Legal
Advocacy & Educ. Fund*

cc: Kevin Jackson, Dir. Planning & Bldg. (by email to kjackson@piedmont.ca.gov)
Michelle Marchetta Kenyon, Esq., City Attorney (by email to mkenyon@bwslaw.com)
City Council (by email to citycouncil@piedmont.ca.gov)

⁶ Gov. Code § 65754.

⁷ Gov. Code § 65755(a)(1).

⁸ Gov. Code § 65755(a)(4).

⁹ Gov. Code § 65757.

ACKNOWLEDGMENT

The City of Piedmont hereby acknowledges that it cannot timely adopt a sixth cycle revised housing element of its general plan within the deadline set forth in Government Code Section 65588, and that its housing element will therefore not be in substantial compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, starting on February 1, 2023.

As a result, the City acknowledges that, starting February 1, 2023 and until such time as the City adopts a housing element that is substantially compliant with Article 10.6, it will be prohibited from rejecting any housing development project based on subdivision (d)(1) or (d)(5) of the Housing Accountability Act (HAA), Government Code Section 65589.5. The City acknowledges that this means that, unless another exception within subdivision (d) applies, the City is prohibited from using its general plan and zoning standards to reject an application that meets the affordability requirements described in subdivision (h)(3) of the HAA.

The public, including without limitation any applicant to develop any project involving residential units, may rely on this Acknowledgment as the City’s binding commitment to comply with the provisions of state law described above. The City agrees that, should litigation arise regarding the City’s decision on any such project that is the subject of an application or preliminary application submitted between February 1, 2023 and the City’s adoption of a substantially compliant housing element, the City will be estopped from relying on subdivision (d)(1) or (d)(5) of the HAA.

DATED: _____, 2022

CITY OF PIEDMONT

By: _____
[Signature]

[Name]

Its: _____
[Title]