



June 2nd, 2022

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City Of Piedmont
120 Vista Ave,
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94611

RE: Draft Housing Element

To Whom It May Concern,

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

Summary of feedback:

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

Buffer on sites:

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

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

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

SB9 implementation, and Missing Middle upzoning:

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

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

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

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

City Owned Sites:

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

Review of Site Inventory:

Most of these sites are already in active use by the adjacent properties as pools, driveways, etc.

Sites on steep hillsides and in use by the adjacent property should be removed unless the current owner has explicitly stated they plan to develop the lot or sell to a developer.

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

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

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

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

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

Site Specific Feedback:

We offer the following site specific feedback:

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

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

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

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

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

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

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

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

Additional Feedback on the Draft Housing Element:

Infill housing for Environmental Benefits

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

Appendix B: Housing Capacity Analysis and Methodology:

B.2.3 Density and Capacity Assumptions

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

B.2.5 Suitability of Nonvacant Sites

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

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

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

Appendix C: Housing Constraints:

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

C.2.4 Permits and Procedures

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

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

Section IV Housing Plan: Goals, Policies, and Programs

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

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

4.D Fee Review

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

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

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

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