

**Attachment F Compiled Public Comment on the Initial Study/Negative Declaration,
published December 9, 2022**



December 29, 2022

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

Re: Notice of Intent to Adopt an Initial Study—Negative Declaration for the Proposed
City of Piedmont 2023-2031 6th Cycle Housing Element Update, Piedmont

Dear Mr. Jackson:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Intent to Adopt an Initial Study—Negative Declaration for the Proposed City of Piedmont 2023-2031 6th Cycle Housing Element Update, which encompasses the entirety of the City of Piedmont (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the project on February 28, 2022. EBMUD's original comments (see enclosure) still apply regarding water service, wastewater, and water conservation. EBMUD has the following additional comments.

WATER SERVICE

Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains.

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,

A handwritten signature in blue ink that reads 'Timothy McGowan' with 'for' written below it.

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:WTJ
sb22_371 City of Piedmont 2023-2031 Housing Element Update

Attachments: Previous Letter on Piedmont 2023-2031 6th Cycle Housing Element
Main Extension Applicant Information



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,

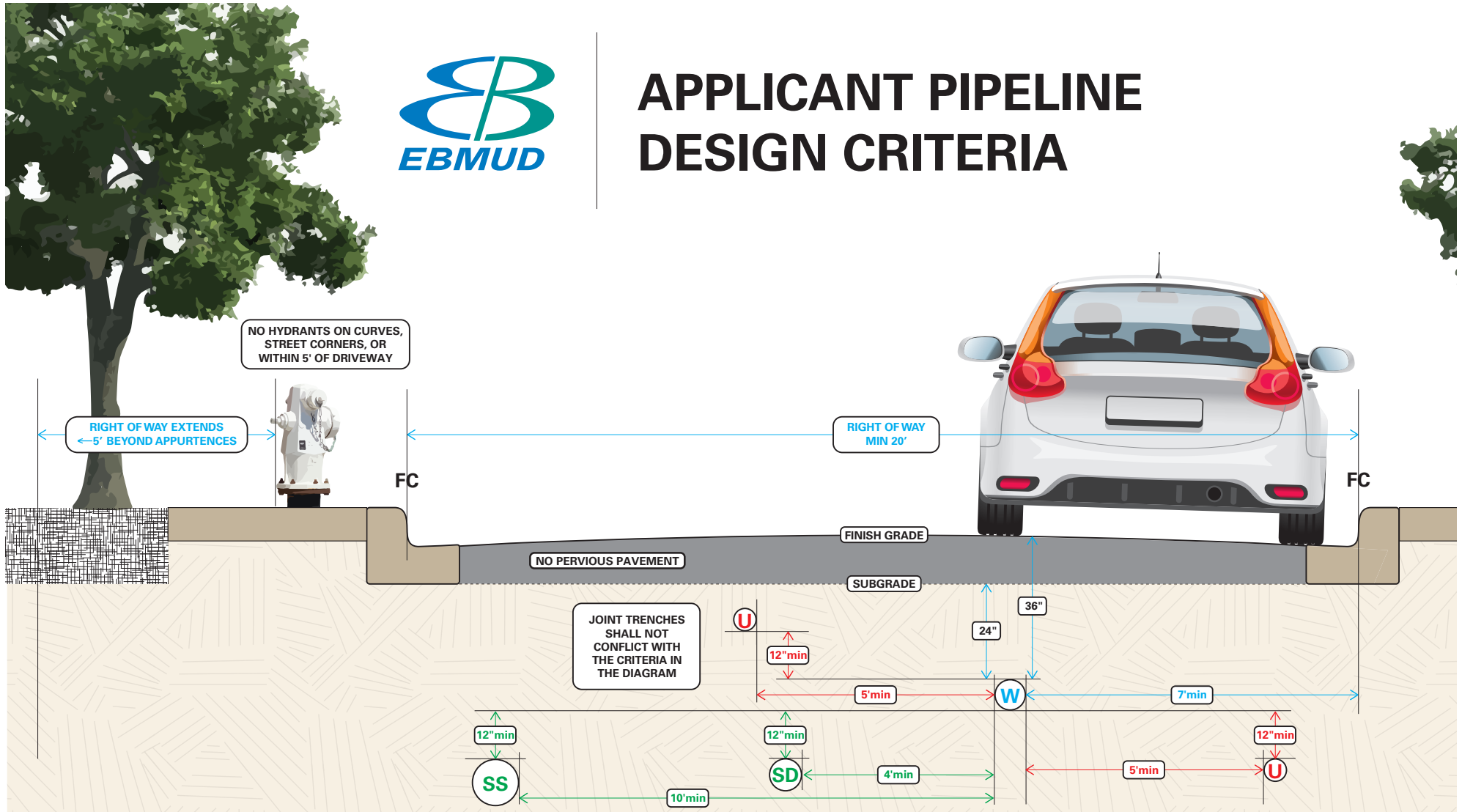


David J. Rehnstrom
Manager of Water Distribution Planning

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



APPLICANT PIPELINE DESIGN CRITERIA



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

Applicant Pipeline Design Criteria

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

Design Criteria

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

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



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 6, 2023

Mr. Kevin Jackson
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
KJackson@piedmont.ca.gov

NEGATIVE DECLARATION FOR CITY OF PIEDMONT 2023-2031 HOUSING
ELEMENT UPDATE – DATED DECEMBER 2022 (STATE CLEARINGHOUSE
NUMBER: 2022120198)

Dear Mr. Jackson:

The Department of Toxic Substances Control (DTSC) received a Negative Declaration (ND) for the City of Piedmont 2023-2031 Housing Element Update (Project). The Lead Agency is receiving this notice from DTSC because the Project may include one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The ND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the ND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be

used to locate hazardous waste facilities and sites for a county, city, or a specific address.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the ND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that project sites are safe for construction and the proposed use.
2. The ND should acknowledge the potential for historic or future activities on or near project sites to result in the release of hazardous wastes/substances on the project sites. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The ND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities.
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).

5. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
6. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the ND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the ND. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

From: Randolph Wu
Sent: Thursday, December 22, 2022 10:23 AM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Cc: Pierce Macdonald <pmacdonald@piedmont.ca.gov>
Subject: Negative Declaration for Housing Element Plan



Dear Kevin,

I have reviewed both the Initial Study and the Negative Declaration posted December 9, 2022 on the City website for its Housing Element Sixth Cycle (HE). I understand the Planning Department believes the HE is a policy document for which an EIR is not required. Rincon is working on the programmatic EIR, and a draft will be circulated later during the HE implementation period. The Negative Declaration will be presented to the City Council with the HCD-approved HE to comply with CEQA.

CEQA Guideline 21083.2 does allow Piedmont to rely upon a programmatic EIR that has been adopted with its final HE and then avoid preparation of another separate EIR for zoning amendments. However, the CEQA guidelines do not allow Piedmont to delay certification of an EIR because it will consider zoning amendments later during the implementation period.

The HE will be a binding plan for 2023-2031 and clearly is a "project" under CEQA. The City should study this project's significant impacts, as well as feasible alternatives, before the City Council votes on the final HE.

For the above reasons I urge the Planning Department to follow CEQA Guideline 21083.2 and prepare the programmatic EIR as soon as possible - at the latest before the second HE deadline of May 31, 2023.

To the extent there is concern about the Builder's Remedy taking effect after the first HE deadline of January 31, 2023, I believe the City will retain its authority to review any Builder's Remedy applications filed after January 31, 2023 through a project specific EIR for a proposed housing development.

Thank you for considering my comments.

Randy Wu
York Drive

From: Anita Stapen
Sent: Thursday, January 5, 2023 5:20 PM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Subject: Housing



Hello Mr. Jackson,

As best as I can understand, the City sees no negative impact in the initial documents for the Housing Plan. While this may be technically true, in that nothing has been approved or built, it seems disingenuous even at this stage to say "no negative impact" to the huge changes in the proposal stage. We know there will be an impact; it's a matter of how big, and where. The statement of negative impact reduces the public's awareness and concern about the Housing Plan, disguising the many impacts it will have.

Anita Stapen
Ricardo Ave
Piedmont 94611

--

[Anita](#)

From: Fitzgerald, David (DFitzgerald)

Sent: Friday, January 6, 2023 5:12 PM

To: Kevin Jackson <kjackson@piedmont.ca.gov>

Subject: Comments to Notice of Intent to Adopt an Initial Study - Negative Declaration for the proposed City of Piedmont

Mr. Jackson,

I have been a resident of Piedmont for more than 12 years. I live at 653 Blair Avenue in upper Piedmont. My home could be negatively impacted by Piedmont's proposal to build 587 housing units over the next 8 years (most impact is the 132 units in Moraga Canyon). To recap, I am not supportive of Piedmont's participation in this program in anyway.

- First and foremost, the State of California (or the HCD) does not have the authority to set development objectives for local jurisdictions such as Piedmont. The State can require each jurisdiction to complete a General Plan every 10 years, but the result of the plan is up to the local community.
 - Piedmont should retain its right to provide development approval to projects that make sense for our community and push back legally as well as not submitting a plan that meets these ridiculous objectives. If the State of California wants to take over our Land Planning approvals, let them since the ratio of effort versus the number of potential homes is very low.
 - The Land Planning and Approval process is supposed to be a non-political process to allow for thoughtful development with mitigation which meet the needs of the community. There is nothing in the code that requires certain developments to bypass this process because of a supposed short term political need dictated by the State of California.
 - Piedmont has not developed 587 new housing units in the last 100 years. How does anyone think developing 587 housing units in the next 8 years is a good idea? Piedmont does not have the available land and infrastructure to support this type of growth. This goal was not developed based on what is possible and practical based on facts such as infrastructure or available land but it was given to us based on an arbitrary goal decided by bureaucrats who allocated Piedmont's share based on population. This is ridiculous and will not stand up to a legal challenge.
 - The State has also tried to pave the way for other cities to comply with this ridiculous goal by making it easier to rezone commercial property to multi-family property but Piedmont has very little commercial property with none that is abandoned. The only land we have is used for Public Utilities which is not mentioned in the stream lined State process. Changing the zone for a Public Utility Use or Open Space Use to a Multi-Family Housing Use should require a public hearing because the intensity of the use is so much different from the current use to the future proposed use. Government with a specific goal in

mind should not have the authority to unilaterally make this type of change without public comment/vote since the use impacts are so different. Going from a commercial retail use to multifamily is a small change while going from public utility or open space to multi-family is a big difference in usage drivers.

- In terms of the specifics of Piedmont's plan to comply with the State's political mandate, the implementation of the **Moraga Canyon Specific Plan** related to the Development of 132 new Housing Units in Moraga Canyon is a very bad idea.
 - You may remember that Piedmont tried to develop Moraga Canyon as a Sport's Field and this was turned down ~12 years ago. As a result of this failed development proposal, the City of Piedmont had to pay "The Friends of Moraga Canyon's" legal expenses associated with this application (~\$15K).
 - The issues that resulted in this failed application still exist:
 - Moraga Canyon cannot support the addition of 132 new housing units because the traffic the development will bring and the roads do not support this development. A minimum of two additional lights will likely need to be installed and this road is highly travelled during rush hour and this additional development will just add to this traffic which will route vehicles/trucks through nearby twisting neighborhood roads. This is a **very bad idea** and bad planning!
 - The development of 132 homes in Moraga Canyon will route a lot of traffic into Oakland neighborhoods and these residents, who do not live in Piedmont, should have the opportunity to assess and comment on Piedmont's plan to add 132 housing units. Much of the burden and unwanted side effects will be borne by our Oakland neighbors.
 - The development of 132 housing units in Moraga Canyon will also have an adverse effect on the Fire Safety of the people that reside and recreate in Moraga Canyon as well as the ability of fire crews to respond to incidents in the surrounding neighborhoods.
 - Moraga Canyon has had a long history of landslides/mudslides in the current state. The addition of more housing, more hardscape, traffic and other infrastructure will increase this risk. These future slides will cost Piedmont time and effort to clean up as well as legal challenges from homeowners who cannot access their homes for periods of time to clean up mud and other debris.
 - Moraga Canyon is also very risky for bike travelers with no room for a dedicated bike path. The additional traffic will lead to more risk as we integrate more traffic into a road that is already shared with bikers. This will lead to bad accidents and possibly death to bikers since the road is narrow and winds through blind corners etc...
 - The additional development and the use of the open space for Public Utility use will reduce the amount of area for water absorption and it can create additional risk of flooding.
 - The Canyon is filled with California Oaks and other trees which should be preserved rather than be cut down for this political development.

Overall, trying to comply with or submit a plan that no one will ever develop is a bad idea. The benefits are better if Piedmont pushes back on the State/HCD and pays a fine and legally challenges the State's authority to dictate goals to independent jurisdictions with oversight responsibility of Planning and Development in our community. Piedmont has a much higher downside if it actually complies with the State and tries to move forward with this flawed development program.

Regards,

David Fitzgerald
Blair Avenue
Piedmont, CA 94611

Following are my comments on the Impact Analysis of the Negative Impact Declaration of the Housing Element Update:

1. The repeated statement for every Impact Analysis *“The Housing Element Update does not propose specific projects but sets forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not conflict with or obstruct ...”* is lip-serving, disingenuous doubletalk. Obviously a policy document, in itself, doesn’t have impacts, but the implications and execution of the document would have a huge impacts on the city of Piedmont.
2. Specific comments on the Impact Analysis are in **Boldface** below.

Impact Analysis

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

As discussed above under Environmental Setting, two primary fault zones, the Chabot Fault Zone and Hayward Fault Zone, run closest to Piedmont. The Hayward Fault and surrounding area is a designated Alquist-Priolo Zone. However, Piedmont is not directly in or above the Hayward Fault Zone.

The Housing Element Update does not propose specific projects but sets forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not result in impacts related to surface rupture. **Further, as Piedmont is not directly above the Hayward Fault, there would be no impacts related to surface rupture. This is a ridiculous statement as geologists warn about far and wide damage from an anticipated earthquake on the Hayward Fault, certainly impacting Piedmont which is less than 1 mile from the Fault along Hwy 13.**

NO IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Although Piedmont is not directly in or above the Hayward Fault Zone, the Hayward Fault runs directly east of Piedmont, resulting in a potential for strong seismic ground shaking along its alignment. The most intense ground-shaking scenario mapped in Piedmont assumes a 6.9 magnitude earthquake on the Hayward Fault system. The predicted ground-shaking from such an earthquake would be “very violent” or “violent” throughout Piedmont (ABAG 2021).

The Housing Element Update does not propose specific projects but sets forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not result in impacts related to geologic hazards. Future development accommodated under the Housing Element Update would be subject to adopted development guidelines and required to adhere to California Building Code (Title 24, Part 2) requirements, policies in the Environmental Hazards Element of the Piedmont General Plan, and applicable State and local regulations. **PCC Section 8.02.020(W) would require site-specific geotechnical evaluation for individual development projects located on sites with a slope of 20 percent or greater or at discretion of the City to identify the degree of potential hazards, design parameters for the project based on the hazard, and describe appropriate design measures to address hazards. Additionally, Policy 18.1 of the Environmental Hazards Element of the Piedmont General Plan serves to restrict development on unstable sites; Policy 18.2 enforces seismic design and construction standards which meet or exceed standards established by the CBC;**

and Policy 18.4 requires site-specific soils reports and geologic studies. Therefore, there would be no impacts related to earthquake faults and seismic ground shaking.

How can there be any kind of seismically-safe development on the steep slope of Moraga Canyon, which is at least 20 percent?

NO IMPACT

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Housing Element Update does not propose specific projects but sets forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not result in impacts related to emergency response plans and emergency evacuation plans. Further, implementation of the SEMS, Get Ready, Piedmont disaster preparedness guide, and LHMP would provide guidance during unique situations requiring an unusual or extraordinary emergency response. Additionally, as part of standard development procedures, plans would be submitted for review and approval to ensure that all new development would have adequate emergency access and escape routes in compliance with existing City regulations. **Lastly, for the Moraga Canyon Specific Plan described under Program 1.L of the Housing Element Update, the program includes a goal to improve pedestrian and vehicular movement to ensure safe evacuation routes and provide optimal emergency response. The Housing Element Update would not introduce features or policies that would preclude implementation of or alter these policies or procedures. There would be no impact.**

This statement conflicts with the statement below that “Future development would be located near public transportation, schools, retail, and other services and would not involve the construction of new roads, railroads, or other features that may physically divide established communities in Piedmont.” How can the City improve safe evacuation routes in Moraga Canyon without building new roads that will further divide one side of the Canyon from the other??

Environmental Setting

Piedmont is divided into five zones: Zone A (Single-Family Residential Zone), Zone B (Public Facilities Zone), Zone C (Multi-Family Residential Zone), Zone D (Commercial and Mixed-Use Commercial/Residential Zone), and Zone E (Single-Family Residential Estate Zone). More than 95 percent of Piedmont’s single-family homes are located in Zone A. Multi-family dwellings are generally located in Zone C (City of Piedmont 2022b). Open space uses are scattered around Piedmont, with the highest acreage in Moraga Canyon (City of Piedmont 2009d).

Impact Analysis

a. Would the project physically divide an established community?

The Housing Element is a policy document that does not involve or approve physical development. Therefore, it would have no impact on dividing an established community. **Further, the Housing Element Update would prioritize the development of new housing on infill and appropriately zoned vacant sites within areas of Piedmont.** The Housing Element Update includes Policy 2.6 which encourages the preservation of multi-family housing, Policy 2.8 which encourages the conservation of rental housing opportunities, and Policies 1.5 and 1.6 which encourage the inclusion of accessory dwelling units to existing residential units to help the City meet its RHNA requirement without displacing current residents. **Future**

development would be located near public transportation, schools, retail, and other services and would not involve the construction of new roads, railroads, or other features that may physically divide established communities in Piedmont. Goals, policies, and objectives under the Housing Element Update would put a greater emphasis on preventing displacement and promoting housing stability to maintain and preserve the quality of Piedmont's existing neighborhoods. Consequently, the Housing Element Update would not impact the physical division of an established community. No impact would occur.

- 1) Define "near." Moraga Canyon is ½ mile from the nearest public transportation and 1 mile from schools, retail and other services. 2) Where will "infill housing" be built in Piedmont? There is no housing proposed in the center of Piedmont, which could be infill. 3) Blair Park is a designated City Park and is not an "appropriately zoned vacant site."

NO IMPACT

d. Would the project result in inadequate emergency access?

The Housing Element Update does not propose specific projects but sets forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not result in inadequate emergency access. In addition, the City maintains the roadway network which would provide access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites would be subject to review by the City of Piedmont and responsible emergency service agencies, thus ensuring that future projects would be designed to meet all emergency access and design standards.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles.

With the addition of 130 new housing units in Moraga Canyon for potentially 300 or more residents and their vehicles, how could emergency response vehicles possibly bypass the congestion on narrow, two-lane Moraga Ave. of people trying to evacuate?

Future development requiring discretionary approval accommodated under the Housing Element Update would undergo project-specific developmental review to ensure consistency with the City's existing and planned circulation network; and ensure that the construction of new features would not impede emergency access. These review processes would evaluate the design of future projects' emergency access schematics, which would minimize the potential for the creation of inadequate emergency access.

For the proposed Moraga Canyon Specific Plan described under Program 1.L of the Housing Element Update, the program states the Specific Plan must include improvements to pedestrian and vehicular circulation, as determined necessary by the City Engineer, to provide safe pedestrian, bicycle, and motor vehicle movements, ensure safe evacuation routes, and provide optimal emergency response. No impact would occur. **This conflicts with the statement above that "no new roads" will be built.**

NO IMPACT

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Housing Element Update does not propose specific projects but puts forth goals and policies to encourage new housing development in Piedmont. Because it is a policy document that does not involve or approve physical development, the Housing Element Update would not, in and of itself, have an impact on wildfire safety. Additionally, future development would occur in compliance with PCC Chapter 8, that adopts the California Fire Code and includes fire hazard abatement, which would ensure that development is constructed to safeguard life and property from wildfire hazards. Further, for the Moraga Canyon Specific Plan described under Program 1.L of the Housing Element Update, the program includes goals that new habitable structures be built to meet fire code requirements for the WUI and that landscape plans prioritize fire safety. Therefore, there would be no impact.

Fire—code requirements for housing and landscape would not stop an out-of-control wildfire on a steep, windy slope, such as in Moraga Canyon. This is what happened in the 1991 Oakland Hills fire, which destroyed 2,800 homes.

NO IMPACT

Submitted via email by Marjorie Blackwell

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

From: Chris Read

Sent: Sunday, January 8, 2023 2:49 PM

To: Kevin Jackson <kjackson@piedmont.ca.gov>

Subject: Piedmont Housing Initial Study: A Misleading Negative Declaration

MISLEADING is the Negative Declaration of the Initial Study for Piedmont's 2023-2031 Housing Element! Adding 575 housing units(+1,500 people) with +-1,000 additional cars to a town of 11,270 people in 1.7 square miles will have major negative impacts!

Moraga Canyon, where 130 of the 575 units are slated to be located, is on the northeast edge of Piedmont. This location is 1 mile from the city center of Piedmont, in a steep canyon with a busy two lane major roadway, with traffic speeding to and from Highway 13. The following are some negative impacts of additional housing in Moraga Canyon:

1. Increase in traffic. Moraga Ave already has fast moving, high traffic volume. Above Moraga Ave, the streets of Maxwellton Rd, Echo Ln, Abbott Way, and Nelly Ave are narrow, curvy and have no sidewalks for pedestrians.
2. No safe pedestrian access to Piedmont City Center for school, retail, other services or public transportation.
3. The Hayward Fault and Chabot Fault Zones are ~ 1 mile from the Moraga Canyon area.
4. About 30 years ago, there was a large landslide from the steep hillside above the Piedmont Corporation Yard. This year, on New Years Eve, there was a landslide from the hillside above Spring Path, covering and making the path inaccessible. These areas are both designated for new housing.
5. This location is a high fire danger area with minimal ingress and egress.
6. The open space, north of Moraga Ave above the corporation yard and the wetlands below Coaches Field, is the location of an historic park from 1891 (see historyofpiedmont.com search Blair Park)! This area still has evidence of the past with heritage trails and trees. The unspoiled natural environment remains a habitat for deer, fox, coyotes, turkeys, owls, red tail hawks, turkey vultures, etc.

High density housing should be located where occupants have safe access to public transportation, sidewalks, and public services. There are much better locations than the remote and dangerous Moraga Canyon for new housing!

Chris Read

Sent from my iPad

From: Scott Mortimer
Sent: Tuesday, January 10, 2023 9:05 AM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Cc: Rika Onishi Mortimer; Chris Read; Deborah Leland
Subject: Comments re 2023-2031 Housing Element Initial Study – Negative Declaration for community review

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

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

Kevin Jackson, AICP, Director of Planning & Building

Kjackson@piedmont.ca.gov

Mr. Jackson,

Thank you for circulating the 2023-2031 Housing Element Initial Study – Negative Declaration for community review.

In the document, the stated rationale of the negative opinion generally is that the “Housing Element Update is a policy document that does not involve or approve physical development (e.g., construction of housing or infrastructure)” and hence the proposed element does not directly result in potential harm or “impact”. This conclusion is untenable and it inherently minimizes and overlooks the long-term risks of the envisaged plan to the community until it is much further down the road in planning and development stages.

While we do value the general approach to describing the parameters of project analysis, the clearly stated major limitations of the “initial study” void its conclusion of a negative declaration and having “no impact”. The report provides no detailed project level information or analytical assessment, deferring these to later stages. This limits a reader’s ability to draw meaningful conclusions on impact and to attempt to do so is misleading. At best, many items are simply inconclusive at this stage. Given these limitations, we caution the community’s reliance on the document for impact assessment. We have a few specific comments related to some of the sections which we provide below. Generally, these comments apply to the Moraga Canyon Specific Plan, but are also applicable to other areas of major development / redevelopment.

1. **Aesthetics – Disagree with the conclusion.** It is reasonable to expect that development would have a negative impact on natural views / scenic vista of the area. There is potential for substantial damage to the scenic resources, and development in the Moraga Canyon hills may substantially degrade the existing visual character or quality of public views of the site and its surroundings.
2. **Geology and Soils – Disagree with the conclusion.** The vision of the plan calls out potential development in the hills of Moraga Canyon which has the potential to result in substantial soil erosion or the loss of topsoil and may increase risk of landslides. It seems irresponsible to say such development

may not contribute to geology and soils risks and we ask that you revisit the scope of any planned development in hilly areas to address these risks.

3. **Hydrology and Water quality – Disagree with the conclusion.** Development in the hills of Moraga Canyon may substantially alter the existing drainage, which may result in substantial erosion or negatively increase the rate or amount of surface runoff leading to potential flooding.

4. **Noise – Disagree with the conclusion.** The substantial development of Moraga Canyon is likely to generate substantial temporary and permanent increases in ambient noise due to the nature of the development planned.

5. **Public Services** – While it seems unlikely that the ultimate plan itself will have a negative impact on public services, the associated plan will likely require substantial increase in public services (Schools, Police, Fire etc). Residents should be apprised of potential costs and how the City intends to manage changes in public funding requirements.

6. **Transportation – Disagree with the conclusion.** There are inherent risks with adding a thousand plus cars to the community in the intended plan. The requirements for substantial transportation infrastructure development are likely significant to mitigate hazards associated with population and car expansion in the Moraga Canyon and to ensure safe and efficient public access in the area. The scope of such development will likely be substantial and may require substantial public funding from Piedmont taxpayers. Residents should also be apprised of these potential costs and how the City intends to manage the potential public funding requirements.

Sincerely,

Scott & Rika Mortimer