



City of Piedmont

Housing Policy Update

Planning Commission Meeting | March 13, 2023



Outline

- 1. Review of HCD comments on Draft 2023-2031 6th Cycle Housing Element**
- 2. Next Steps**
- 3. Moraga Canyon Specific Plan**





2023-2031 6th Cycle Housing Element



November 15, 2022

The Piedmont City Council authorized staff to file the Draft Housing Element with California Housing and Community Development (HCD) for its 90-day review. On

November 18, 2022

City staff filed the Draft Housing Element with HCD.

December 9, 2022

City staff published an Initial Study-Negative Declaration (IS-ND) review of Piedmont's 2023-2031 6th Cycle Housing Element, prepared pursuant to the California Environmental Quality Act (CEQA).





2023-2031 6th Cycle Housing Element



December 12, 2022 through January 16, 2023

Staff met with the HCD reviewers on 7 occasions to discuss Piedmont's housing element, including providing a tour around Piedmont on January 13th.

January 12, 2023

The Planning Commission unanimously recommended that the City Council adopt the 6th Cycle Housing Element and recommended that the City Council adopt the IS-ND.

February 16, 2023

HCD provided its comments on the HCD Draft 6th Cycle Housing Element.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



In the following set of slides, the presentation will show the comments the CA Department of Housing and Community Development made on Piedmont's Draft Housing Element. To organize the comments and the City's responses, staff had assigned a number to each comment relative to the section headings in HCD's letter.

The slides will also show (in blue text) the approach the City is planning to take in making revisions to address the HCD comment.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section A: Review and Revision

Comment A.1.1 - While the element includes analysis of past programs' accomplishments over the previous planning period (pp. D-19 to 24), it should also evaluate the cumulative effectiveness of the previous housing element's programs to address the housing needs of special needs populations.

Approach - Provide additional narrative in the introduction to Appendix D (Evaluation of the 2015-2023 Housing Element) describing how programs collectively helped or didn't have much impact on housing for special needs populations. If no substantial impact observed, reference new or expanded programs in this cycle to address that.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.1 Outreach & Enforcement - While the element mentions the City does not have any pending legal matters related to fair housing laws such as lawsuits or settlements (p. F-3), it should also discuss how the City proactively complies with fair housing laws and regulations. Examples include Government Code sections 65008 and 8899.50. For additional information, please see HCD's guidance memo at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

Approach – Add additional narrative in Appendix F (Affirmatively Furthering Fair Housing, AFFH) about compliance with fair housing laws.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.2 Income and Racially Concentrated Areas of Affluence (RCCAs) - While the element includes some broad discussion of RCAAs (p. F-15), it should include specific analysis of income and RCAA at a regional level (City compared to the broader region). The analysis should at least address trends, coincidence with other fair housing factors (e.g., race, highest resource, overpayment), effectiveness or absence of past strategies (e.g., lack of publicly assisted housing and lack of multifamily zoning), local data and knowledge and other relevant factors such as past zoning or local initiatives (see below). The element must add or modify significant and meaningful programs based on the outcomes of this analysis, including actions to improve housing mobility within and beyond City boundaries that are not limited to the regional housing need allocation (RHNA).

Approach – Add additional narrative in appropriate section(s) regarding income compared to the region (Alameda County) and acknowledge potential reasons for the disparity and any programs (past or present) related to this. Consider including RCAA map of Alameda County. Emphasize our proposed programs adding new low-income housing in Piedmont to address this regional imbalance and housing mobility.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.3 Identified Sites and Affirmatively Furthering Fair Housing (AFFH) - The element generally discusses identified sites relative to socio-economic categories. For example, the element notes 100 percent of sites intended for lower income households are identified in the highest resource TCAC category and are not located in concentrated areas of poverty but the entire City is the highest resource category and the City does not have any concentrated areas of poverty. Instead, to evaluate whether the inventory AFFH, the analysis should address the location (e.g., neighborhoods, planning areas), number of units by income group, magnitude of the impact and, particularly, any isolation of the RHNA then evaluate how the identified sites are expected to improve and/or exacerbate fair housing conditions. For example, a large portion of the lower-income RHNA is isolated in three remote areas on the boundaries of the City yet a significant portion of the moderate and above moderate RHNA is located throughout the City. The element should evaluate these patterns and based on the outcomes of this analysis, consider identifying additional sites and add or modify programs to promote housing mobility throughout the City (Not limited to the RHNA).





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.3 Identified Sites and Affirmatively Furthering Fair Housing (AFFH)

Approach – Add additional narrative and analysis that demonstrates that sites for low-income housing in our inventory are not isolated. Demonstrate that Piedmont is a neighborhood-size small city, that the entire city is served by 1 middle school, 1 high school, 1 fire station, and 1 police station, that the sites are generally within a reasonable walking distance to the center of town, that access to amenities does not stop at the City boundary, that amenities in Oakland are generally assessable withing a reasonable walking distance. For three areas identified for low-income housing, estimate travel times to schools, parks, town center, etc. Explain ADUs are not mapped and are expected to account for low-income housing distributed throughout City.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.4 Local Data and Knowledge - The element includes state and federal data but must utilize other sources of local data and knowledge to supplement the data and mapping including planning documents such as locally adopted ordinances, other elements of the general plan, infrastructure assessments, and mobility assessments to fully describe the impacts on fair housing patterns and trends at a local and regional level.

Approach – Review and revise the existing narrative in Appendix F (AFFH) to expand on the history, trends and local limitations related to AFFH.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.5 Other Relevant Factors - While the element includes analysis with regards to fair housing on some factors, such as rates of home ownership by race and ethnicity (p. F-31), it must include other relevant factors that contribute to fair housing issues in the jurisdiction, such as zoning, growth control measures, and other initiatives. For instance, the element can analyze historical land use and investment practices, the City Charter, or other information and demographic trends.

Approach – Borrowing from analysis already documented in Appendix C (Constraints to Housing Production), reiterate the impact of other factors on AFFH, including those listed in HCD's comment. Cite community resources and/or organizations to enhance historical narrative.



2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.1.6 Contributing Factors to Fair Housing Issues - Upon a complete AFFH analysis, the element must assess and prioritize contributing factors to fair housing issues and add or modify programs as appropriate.

Approach – based on the AFFH analysis (showing that Piedmont is exclusive of affordable housing) the Housing Element will be revised to add or modify programs that redress this condition.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.2.1 Overpayment - While the element identifies the total number of households overpaying for housing (pp. A-54 and 55), it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.

Approach – Add analysis to make the correlation between low-income households by tenure (POPEMP-21) and the overpayment by tenure (OVER-06 Tab). There are not many renters generally in Piedmont, so there may not be findings to be made that low-income renters are more cost-burdened than extremely low-income owners. May need additional research regarding overpayment by income by tenure.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.2.3 Housing Costs - While the element includes information on sales and rental prices (pp. A-52 to 55), rental information from the American Community Survey does not fully reflect market conditions and the element should include additional data sources (e.g., Zillow, Apartments.com).

Approach – Carry out independent market research (Zillow, craigslist, etc.) on recent rental and sales prices.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.2.4 Special Housing Needs - While the element quantifies (pp. A-28 to 38) the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

Approach – Review and revise Appendix A (Demographics and Housing Needs Assessment) to provide a narrative of housing challenges facing each special needs group. Point to housing programs that address gaps in need and/or services for these groups.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.1 Realistic Capacity - The estimate of the number of units for each site must be adjusted based on the land use controls and site improvements and other factors. The element appears to identify sites with zoning that allows 100 percent nonresidential development. If so, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential development. For example, the element could discuss existing or planned residential performance standards (e.g., 50 percent of development required to be residential), examine how often 100 percent nonresidential development occurs in the pertinent zone and adjust calculation accordingly or enhance policies and programs to encourage residential development.

Approach – Analyze the sites that allow 100% non-residential, and see what income level housing is targeted there (e.g. low, mod, or above mod.). We will provide a history of redevelopment of sites that are nonresidential to show if the new development included residential. We will provide evidence that existing uses do not pose a constraint to housing development.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.2 Infrastructure - The element describes infrastructure concerns and limitations (p. C-30) such as water and sewer line retrofits and upsizing. However, it must also demonstrate sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need.

Approach – Review and revise Appendix B (Housing Capacity Analysis and Methodology) and Appendix C (Constraints to Housing Production) to expand narrative to demonstrate sufficient total water and sewer capacity to accommodate the housing need.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.3 Large Sites - Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless sites of equivalent size and affordability were developed in the prior planning period or other analysis demonstrates the suitability of these sites. The element identifies one large site of 11.9 acres (p. B-25). However, the element must also demonstrate the suitability of this site as described above. For example, the element could discuss how parceling will facilitate development with units affordable to lower-income households or how the housing will be incorporated into the overall development as part of a mixed-income approach. Based on the outcomes of this analysis, the element must add or modify programs to encourage housing for lower-income households on large sites.

Approach – Review the existing narrative regarding the Moraga Canyon Specific Plan and elaborate to include: information that procurement for professional services to prepare the Specific Plan is underway with project kickoff in early summer; information that the surplus land act will facilitate parcelization; and information that a key goal of the Specific Plan is to provide affordable housing.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.4 Nonvacant Sites - The element describes the methodology for selecting nonvacant sites with residential development potential (p. B-9). However, to demonstrate the potential for redevelopment, the element should be revised, as follows:

Extent Existing Uses Impede Additional Development: The element broadly describes potential for development based on parking areas and the age of structures but should further evaluate the existing uses to demonstrate the potential for redevelopment. For example, the element should describe whether the existing uses are anticipated to be razed or if the site will be intensified with existing uses remaining and if so, whether the needed parking is an impediment. The element should also discuss any indicators that the properties will turnover in the planning period such as property owner or developer interest, expiring leases, vacancy, marginal operations, lack of improvements or lack of market demand for the use.

Approach – on next slide





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.4 Nonvacant Sites - The element describes the methodology for selecting nonvacant sites with residential development potential (p. B-9). However, to demonstrate the potential for redevelopment, the element should be revised, as follows:

Extent Existing Uses Impede Additional Development

Approach – Expand on the narrative on each low-income nonvacant site with residential development potential and create new narratives on other nonvacant sites at other income levels, except Zone A & E sites. Reference programs to reduce parking requirements and increase height allowances, etc. to facilitate the residential development potential. Include communication from property owners. Perform an improvement value analysis on each nonvacant site, looking at county assessor data.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.4 Nonvacant Sites - The element describes the methodology for selecting nonvacant sites with residential development potential (p. B-9). However, to demonstrate the potential for redevelopment, the element should be revised, as follows:

Development Trends: The element lists several recent developments on nonvacant sites and concludes based on these trends, the identified sites will redevelop in the planning period. However, the element should support this conclusion by discussing how the characteristics of recent developments relate to identified sites. For example, the element lists a recent development on a site with an office building but should discuss the similarity to the identified site. For example, the element could discuss how the office building was a two-story building with operating offices, included a similarly situated parking lot and how the parking was replaced.

Approach – Provide the zoning and/or site characteristics (as available) of the sample projects used in Appendix B. Then compare to the existing and/or proposed conditions of the sites in the site inventory. Analyze similarities to justify the relevance of these examples.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.4 Nonvacant Sites - The element describes the methodology for selecting nonvacant sites with residential development potential (p. B-9). However, to demonstrate the potential for redevelopment, the element should be revised, as follows:

In addition, if the element relies on nonvacant sites to accommodate more than 50 percent of the Regional Housing Needs Allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) For your information, absent findings in the resolution as part of adoption based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Approach – This comment is a heads-up regarding the resolution to adopt the housing element and does not require a revision to the housing element. Piedmont's Draft Housing Element relies on nonvacant sites to accommodate more than 50% of lower-income RHNA: Total lower-income RHNA = 257. Nonvacant sites = 180, ADUs = remainder. Incorporate required findings into adoption resolution.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.5 Publicly-Owned Sites - The element identifies four City-Owned parcels to accommodate a large portion of the City's lower-income RHNA and includes some broad discussion of the site characteristics and anticipated specific plan process. However, the element should specifically discuss the extent existing uses impede additional development including timing of any potential relocation or similar activity, any known conditions that preclude or affect the timing or feasibility of development in the planning period and potential schedule for development. Based on this analysis, the element should add or modify programs with a schedule of actions to facilitate development in the planning period.

Approach – Using existing narrative in Appendix B (Housing Capacity Analysis and Methodology), expand on the current status of Specific Plan to demonstrate that there are no known impediments to development. Include references to the goals and scope of work included in the request for proposals seeking professional services to prepare a Moraga Canyon Specific Plan, which prioritize the development of affordable housing, etc. Will modify existing program 1.L on the Specific Plan, if needed.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.6 Environmental Constraints - While the element generally describes a few environmental conditions within the City (p. C-29), it must describe how these conditions relate to identified sites including any other known environmental or other conditions (e.g., shape, easements, relocation, parking replacement) that could impact or preclude housing development in the planning period.

Approach – Review existing section C.3.5 (Environmental Constraints) and add narrative discussing any specific correlation to environmental conditions and sites included in the sites inventory. Review a topographic map for potential slope issues, excluding the specific plan area. Address parcel size, parcel shape and parking, although they seem to be governmental constraints, not environmental.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.7 Accessory Dwelling Units (ADU) - The element may utilize ADUs toward the RHNA based on past trends, affordability, resources and incentives and other relevant factors. While the element discusses ADU assumptions toward the RHNA based on past trends, it should also discuss other relevant factors and adjust assumptions as appropriate. Specifically, the analysis should account for the availability of the units for occupancy which was a key issue in the prior cycle as noted in the review and revise portion of the element (See Program 1.D – p. D-4). The analysis should incorporate the information gathered from the prior planning period, adjust assumptions as appropriate and if necessary, identify additional sites.

Approach – Expand the narrative of ADU assumptions to reference ongoing (or new) City monitoring efforts. Expand or add a program to do an ADU survey to determine how many units are occupied as independent dwelling units, and to refer owners to resources available to support the letting of available units, etc...





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.7 Accessory Dwelling Units (ADU) - In addition, for your information, HCD reviewed the City's ADU ordinance and noted some areas inconsistent with statutory requirements. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add or modify existing programs to ensure the City's ADU ordinance will be updated to comply with state law.

Approach – This comment is a heads-up regarding the consistency of Piedmont's ADU ordinance with state law. HCD has not yet provided a complete listing of ADU non-compliance issues under a separate cover. City staff has reviewed Piedmont's updated ADU ordinance that went into effect January 4, 2023, determined it consistent with state law and submitted it to HCD for review. Additional program committing to timely updates to the zoning code to comply with state law.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.8 Electronic Copy of the Sites Inventory - For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Approach – This comment is a heads-up regarding the requirements related to the submission to HCD of the Sites Inventory included in Appendix B of the Housing Element. A revision to the Housing Element is not needed. The City is prepared to comply with this state law.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.3.9 Zoning for a Variety of Housing Types (Emergency Shelters) - The element mentions emergency shelters are permitted in Zone B (p. C-10). However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. In addition, subsequent draft submissions may need to comply with the requirements of Chapter 654, Statutes of 2022 (AB 2339). For more information on timing requirements and these new statutory requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

Approach – Clarify in Appendix C (Constraints) which zones allow shelters and what permits if any are required. Since Piedmont is largely built out, discuss generally conditions to support emergency shelters as part of existing uses or as part of intensification of existing nonvacant sites. Refer to any maps and/or tables in Appendix F regarding proximity of sites to services and amenities. Address the suitability of sites for shelters. Confirm AB2339 does not apply given Piedmont's adoption schedule.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.4.1 Site Improvements - While the element includes some broad description of on and off-site improvements (p. C-24), it must list actual standards and analyze their impact on the cost of development.

Approach – Expand the narrative in HE C.2.5, On and Off-Site Improvements and Impact Fees, to list and analyze standards relative to their impact on the cost of development.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.4.2 Housing for Persons with Disabilities - The element concludes that the definition of family used in zoning and land use does not include unrelated individuals and does not unnecessarily constrain living configurations. However, the element should list the definition and analyze the impacts on housing for persons with disabilities. This is particularly important since upon a cursory review, the City's definition appears to have potential constraints on persons with disabilities such as requiring families to be "traditional", "sharing household activities" and requiring a "single written lease". Based on the outcomes of this analysis, the element should add or modify programs to address identified constraints and modify the family definition.

Approach – Expand upon the existing analysis. Include the definition of family in the zoning code. Add a program committing to modifying the definition of family.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section B: Housing Needs, Resources & Constraints

Comment B.4.2 Housing for Persons with Disabilities (Part 2) - In addition, the element briefly mentions a reasonable accommodation procedure, including some findings of approval. However, based on a cursory review, the procedure has provisions that may act as a constraint on housing for persons with disabilities. For example, the procedure appears to disallow waiving a conditional use permit and the decision-making criteria includes other considerations such as impacts on surrounding uses and equivalent level of benefit that will not result in exceptions to development standards. The element should specifically evaluate these provisions as potential constraints and add or modify programs to address identified constraint.

Approach – Expand upon the existing analysis to include additional analysis of reasonable accommodation procedures and, if necessary, revise or add a program on reasonable accommodation.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.1.1 (ongoing programs) - A large share of the programs lists implementation timelines as “ongoing.” While this may be appropriate for some programs, programs with specific implementation actions must include completion dates resulting in beneficial impacts within the planning period. Programs that should be modified to add discrete timing include (but are not limited to) 5.F (Everyone Home), 5.G (Faith Community Participation), 5.H (Housing for ELI Households), and 5.J (Developmentally Disabled Residents).

Approach – Review timelines of all programs, update with more specificity as needed, particularly 5.F, 5.G, 5.H and 5.J.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.1.1 (earlier implementation of programs) - Additionally, several programs and actions have timelines that should be moved earlier in the planning period to ensure a beneficial impact. Many of these programs' timelines are benchmarked to the date of housing element adoption. Those programs should be revised to reflect actual dates. Examples include Programs 1.D (Allow Religious Institution Affiliated Housing in Zone A), 1.F (Increase Allowances for Housing in Zone B), 1.G (Facilitating Multi-family development in Zone C), 1.H (Increase Allowances for Housing in Zone D), 1.P (General Plan Amendments, and 1.Q (Density Bonus Ordinance).

Approach – Review timelines of all programs, update with earlier implementation as needed to ensure a beneficial impact. Potential programs for earlier implementation include 1.D, 1.F, 1.G, 1.H, 1.P and 1.Q .





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.1.1 (commitment to implementation) - Additionally, programs must have specific commitment to housing outcomes or deliverables. Several programs include actions with no description of how those actions will be implemented (e.g., “support”, “study”, “explore”, “evaluate”, etc.). For example, Program 3.E states that the City will “investigate affordable housing fund” and “meet with Council in 2023 to discuss potential risks and opportunities”. However, it does not make any firm commitment to establish an affordable housing fund. Programs should be amended, as appropriate, to include specific commitment. Examples include Programs 1.G (Facilitating Development in Zone C), 1.H (Increasing Allowances in Zone D), 1.O (Gas Station Remediation Study), 2.B (Availability of Small Homes), 3.E (Affordable Housing Fund), 4.F (Capital Improvement Plan Updates), 4.G (Monitoring the Effects of the City Charter), 4.H (Consider Modifying Charter on Zoning Amendments), 4.J (Small Lot Housing Study), 4.K (Small Lot Affordable Housing Study), 5.C (Assistance to Nonprofit Developers), 5.H (Housing for ELI Households), and 5.J (Developmentally Disabled Residents).

Approach – As necessary, review and revise program descriptions to clarify commitment to outcomes and deliverables.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.2.1 - As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 1.R (Lower-Income Sites to Address Shortfall): The element commits to rezone sites and address various requirements related to Government Code section 65583.2, subdivisions (h) and (i). However, the Program should also commit to the shortfall of sites, minimum acreage, allowable densities, and development standards that will facilitate maximum allowable densities.

Approach – Revise Program 1.R narrative to ensure compliance with shortfall rezoning requirements as provided in the Government Code and per HCD comment.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.2.1 - As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 1.L (Specific Plan): The Program should be revised based on a complete analysis as noted in Finding B3. In addition, the Program should commit to complying with the Surplus Land Act, finalizing necessary entitlements, and issuing building permits by a specified date and evaluating progress by a specified date and if necessary, identifying alternative sites by a specified date to accommodate development in the planning period.

Approach – Pending above additional narrative for comments B.3.3 and B.3.5, revisit this comment and determine what additional narrative is needed for Program 1.L.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.2.1 - As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program 4.N (Allow Transitional and Supportive Housing): The Program commits to allow transitional and supportive housing similar to other dwellings. But, in addition, the element should specifically commit to permit permanent supportive housing without discretionary action in zones allowing multifamily and mixed-use development and comply with Government Code section 65651.

Approach – Review and revise Program 4.N to allow supportive housing without discretionary action in zones allowing multifamily and mixed-use development and comply with Government Code section 65651.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.3.1 - The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows:

Program 5.C (Assistance to Nonprofit Developers): The element should specifically commit to proactively and annually reaching out to developers of affordable housing and identify development opportunities. In addition, the program should commit to establish a package of incentive that will be ready to assist the development of housing for lower-income households such as funding, adopting priority processing, granting concessions and incentives beyond State Density Bonus Law, waiving fees, and assisting with site preparation or predevelopment.

Approach – Review and revise Program 5.C with greater commitment to assist nonprofit developers.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.3.1 - The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows:

Program 5.D (Persons with Development Disabilities): The Program should include actions beyond an explanation of the process to retrofit a home. For example, the Program could commit to work with regional providers and non-profit developers to identify development opportunities, pursue funding, develop a pilot program or other actions more geared toward housing outcomes.

Approach – Review and revise Program 5.D to enhance actions assisting persons with development disabilities.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.3.1 - The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows:

Program 5.E (Housing Support for Families in Crisis): In addition to providing support and referral to County services, the element should also seek to develop opportunities within the City to address the housing needs of special needs populations such as specific efforts within Program 1.L (Specific Plan) or identifying additional sites, capacity, and funding to pursue permanent supportive housing.

Approach – Review and revise Program 5.E to enhance housing support for families in crisis.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.3.1 - The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows:

Program 5.F (Faith Community Participation): The Program should go beyond identifying potential partners and commit to establish partnerships and pursue strategies such as providing technical assistance, amending zoning, and assisting with funding application and coordinating with non-profit agencies and developers.

Approach – Review and revise Program 5.F as necessary.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.3.1 - The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows:

Program 5.H (ELI Households): While the Program commits to “explore” ways to expand housing for ELI households, it should also commit to pursue and establish strategies. In addition, the Program commits to amend zoning to allow SROs but should also commit to appropriate development standards and permit procedures that encourage the use.

Approach – Review and revise Program 5.H to enhance commitment to implementation and outcomes.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.4.1 - As noted in Finding B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

Programs 1.G (Development in Zone C) and 1.H (Housing in Zone D): These Programs generally commit to increase allowable densities but should also go beyond “consider” or implementing “possible” incentives and specifically commit to establish appropriate procedures and development standards that improve approval certainty and facilitate maximum densities without exceptions. For example, Program 1.G (Development in Zone C) could commit to establish heights of at least five stories and Program 1.H could commit to establish heights of at least seven stories. This is particularly important given the lack of implementation in the prior planning period (p. D-6).

Approach – Review and revise program to enhance commitment, as necessary and to specify allowed building heights.





2023-2031 6th Cycle Housing Element HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.4.1 - As noted in Finding B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

Programs 4.G (Monitoring the City Charter) and 4.H (Modifying the Charter): Program 4.G from the prior planning period (p. D-17) specifically committed to evaluate the effects of the City Charter on multifamily development and take appropriate action to address the constraint. These actions were not limited to the RHNA. In response, the City appears to have taken no action to address this fundamental constraint on housing choices and, as a result, the current programs must have specific commitment to address the constraint. For example, Program 4.H should go beyond “consider modifying” and commit to a schedule of actions to modify the Charter and alternative actions to address the constraint if the Charter is not amended by a specified date.

Approach – Review and revise programs, as necessary. Provide narrative explaining how the City Charter is not a constraint on the development of housing. Explain how charter requirements have been interpreted and implemented in the past and the City Attorney interpretation.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.4.1 - As noted in Finding B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

Program 4.P (Residential Care Facilities): The Program should commit to permit group homes for six or fewer persons as a single-family residential use regardless of licensing. In addition, regarding group homes for seven or more persons, the Program commits to considering other provisions but, instead, should specifically commit to amend procedures and zoning to allow these uses in all residential zones with objectivity to promote approval certainty similar to other residential uses of the same form. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

Approach – Review and revise program, as necessary to demonstrate commitment to the implementation of the program and obtain outcomes.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.5.1 - As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs to AFFH should go beyond status quo actions, include specific commitment, discrete timing, geographic targeting and metrics or numerical targets and should generally address housing mobility, encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement. For example, the element must add significant and meaningful housing mobility actions to promote housing choices and affordability (not limited to the RHNA) and overcome the existing patterns in the City relative to the broader region.

Approach – Review and revise programs committing to affirmatively furthering fair housing, in particular referring back to the commitments of Program 1.L (Moraga Canyon Specific Plan) to add units of all income types in a higher resource area.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment C.6.1 (ADU Monitoring) - The element includes many meaningful actions to promote the creation of ADUs. However, the element should also commit to monitor the production and affordability of ADUs at least twice in the planning period and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 1 year) if assumptions are not realized.

Approach – Enhance existing program or develop a new program that commits to periodic monitoring of ADU production and affordability.





2023-2031 6th Cycle Housing Element

HCD Comments & the City's Approach to Revisions



HCD Comment Section C: Housing Programs

Comment D.1.1 - While the City made considerable effort to include the public through workshops and surveys and included some broad responses to public comments under a separate City Council staff report, moving forward, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households or representatives. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element explains various public comments but should also discuss how those comments were incorporated into the elements.

Approach – Provide additional narrative describing the extensive public engagement undertaken during the development of Piedmont's 6th Cycle Housing Element. Elaborate on how public comments were incorporated into the Element.



Next Steps – 2023-2031 Piedmont Housing Element

March 17, 2023 – Publication of Revised Housing Element

The Revised Housing Element will be published as part of the agenda packet for the March 20th Council meeting. This includes the accompanying Initial Study/Negative Declaration and the resolution for adoption.

- Community members will have 7 days to provide comments before the City submits the Revised Housing Element to HCD.

March 20, 2023 – Regular Meeting of City Council

Planning staff will bring the Revised Housing Element and accompanying Initial Study-Negative Declaration (IS-ND) to City Council for adoption.

March 24, 2023 – Submission of Revised Housing Element to HCD

Planning staff will bring the Revised Housing Element and accompanying Initial Study-Negative Declaration (IS-ND) to City Council for adoption.

Ongoing – Preparation of Environmental Impact Report and General Plan Amendments

The preparation of a programmatic EIR and General Plan amendments is expected to be completed this summer.



Moraga Canyon Specific Plan

- Proposals from professional consulting firms are due today, Monday, March 13.
- Staff will review and evaluate proposals and will conduct interviews with the proposing teams.
- Contract award is expected to occur in late April or early May.
- Project kickoff is expected to occur in early summer.



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End of 3/13/2023 Presentation

