



Piedmont Housing Advisory Committee



Public Forum

Persons wishing to address the Housing Advisory Committee regarding items not on the agenda may do so during the Public Forum.

In order for all speakers to be heard, the Committee will limit individual's comments to 3 minutes.

Item 1, Introductions

Item 1, Introductions

Please state your name and a key reason you applied to serve on the Piedmont Housing Advisory Committee:

- Rani Batra
- June Catalano
- Jane Lin
- Justin Osler
- Claire Parisa

Item 2, Election of Chair and Vice Chair

Item 2, Election of Chair and Vice Chair

- This item shall be opened for public comment.
- At the conclusion of public comment, HAC Members may nominate another HAC Member to serve as Chair or Vice Chair of the Housing Advisory Committee by stating, “I move to elect _____ to serve as Chair and _____ to serve as Vice Chair.”
- Planning & Building Director Jackson will call the role for a vote on the motion.

Item 3, Meeting Guidelines and Brown Act

Meeting Guidelines

- City Council chose the Committee Members on March 22, 2021.
- The HAC is advisory to staff and City Council.
- The HAC will provide feedback on draft documents prepared throughout the SB 2 housing programs project and the Housing Element update; and will provide guidance on, and on the conduct of, the SB 2 Housing Programs and Housing Element update.
- The HAC meetings are open to the public, broadcast, and recorded.
- The HAC meetings give the public further opportunities to learn about the Housing Element update process and to give their input and feedback.

Meeting Guidelines (continued)

- The HAC will meet **as needed** over a period of 12-15 months, until City Council receipt of a draft Housing Element Update.
- Members of the public will have 3 minutes to address the HAC. HAC members may ask follow-up questions outside of this limit.
- Planning & Building Director Jackson is the staff liaison. The Planning & Building Director and the HAC Chairperson will prepare the meeting agendas.
- Senior Planner Macdonald-Powell is the project manager for the City's housing policy work, and will act as HAC secretary.
- HAC Members can request that items be scheduled for the next available meeting agenda.

Meeting Guidelines (continued)

- Quorum is a majority of the five members (three Committee Members), meaning a minimum of three members must be present for a meeting to be held or for an action to be taken.
- Decisions shall be by majority vote.
- Meetings will be in the virtual Zoom format until informed otherwise by Alameda County public health officer and City Clerk.
- Meeting video will serve as a record of the meeting. Action minutes shall be prepared by City staff and agendized for HAC approval.

The Ten Commandments of the Brown Act

1. You shall only hold meetings which are open to the public, unless you have the written concurrence of the city attorney.
2. You shall not make decisions outside of a public meeting by use of telephone, faxes, e-mail, etc.
3. You shall not discuss or make decisions about public business while attending a social or ceremonial event.
4. You shall hold all meetings within the city limits.
5. You shall post an agenda of your meetings at least 72 hours in advance.

The Ten Commandments of the Brown Act

6. You shall mail a notice of your meeting to anyone requesting it.
7. You shall allow all people to speak at your meeting about any topic, but you shall not take action unless the matter is posted on the agenda.
8. You shall allow the public to have a copy of all written material related to your meeting.
9. You shall hold emergency meetings only after posting an agenda 24 hours in advance.
10. You shall add emergency items to your agenda only if 2/3 of you vote to declare the issue an emergency . . .very careful!

Brown Act Commandments

- **IMPORTANT:** This is a synopsis of the government code. If you have any questions regarding the Ralph M. Brown Act, please contact the City Clerk or City Attorney.

PIEDMONT COMMISSION/COMMITTEE Presiding Officer Training

*Originally Presented By
Michelle Marchetta Kenyon
City Attorney*

Agenda Requirements

- Agenda Posting Requirements
- Agenda Description
- Public Comment
- Non-Agendized Items
- Adding Items to an Agenda

Agenda Posting Requirements

- A **written agenda** must be prepared for each regular or adjourned regular meeting of each legislative body.
- The agenda for a regular meeting must be **posted at least 72 hours** before the meeting.
- Notice of all meetings, including special meetings, must be **posted on the local agency's website**, if the agency has a website.

§ 54954.2

Agenda Description

- Each item of business to be “*transacted or discussed,*” including items to be discussed in closed session, must be the subject of a “*brief general description*” which generally need not exceed 20 words.
§ 54954.2(a)(1)



Non-Agendized Items

- Action or discussion on any item not appearing on the posted agenda is generally prohibited.
- The legislative body may direct staff to place the matter on a future agenda.

§ 54954.2(a)(2)

Members may only:

- Briefly respond to public statements or questions
- Ask a question for clarification
- Make a brief announcement
- Make a brief report on his or her activities
- Provide a reference to staff or other sources for factual information
- Request staff to report back to the legislative body in a subsequent meeting.

Adding Items to an Agenda

A legislative body may take action on items of business not appearing on the agenda:

- When a majority decides that an **emergency situation** exists.
- When two-thirds present (or all members if less than two-thirds are present) determine there is a **subsequent need to take immediate action** and that the need for action “came to the attention of the local agency subsequent to the agenda being posted.”
- When the item appeared on the agenda of, and was continued from, a meeting held not more than 5 days earlier.

§ 54954.2(b)

Role of Presiding Officer and HAC Members

1. Compliance with The Brown Act

- Assures that Brown Act is followed.

2. Protectors of Due Process Rights

- Assures that public participants are treated fairly.

3. Facilitators

- Assures that the HAC makes fair and rational decisions.

The Best Solution is Prevention



Legislative Intent

“Public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. *It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*”

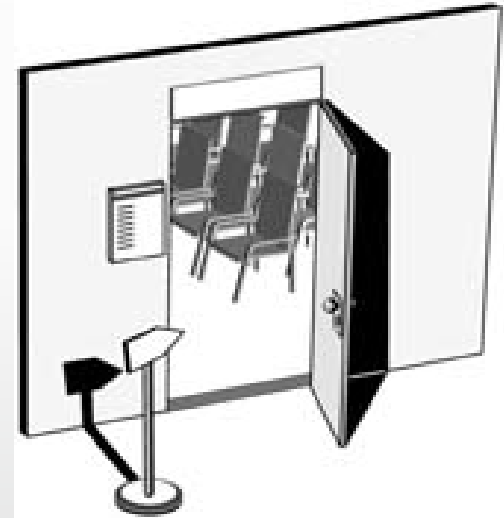
§ 54950



Basic Rule of the Brown Act

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in [the Brown Act].”

§ 54950



Meetings

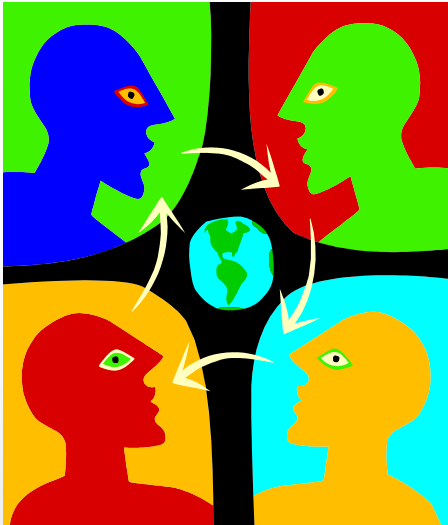


- A “meeting” includes any gathering of a **majority** of the **members** of a legislative body, including advisory committees, at the **same time and location** to **hear, discuss, deliberate or take action** upon any item which is within its **subject matter jurisdiction**.

Types of Meetings

- **Formal Meetings**
 - Regular meetings
 - Special meetings
 - Emergency meetings
 - Teleconference meetings
- **Informal Meetings**
 - Daisy Chain/Serial
 - Hub and Spoke
 - E-mail/Technology

Informal Meetings



Caution:

a majority of the members of a legislative body;

1. shall not...use a series of communications of any kind, directly or through intermediaries;
2. to discuss, deliberate, or take action on any item of business;
3. that is within the subject matter jurisdiction of the legislative body.

§ 54952(b) (1)

Serial Meetings

Daisy Chain:

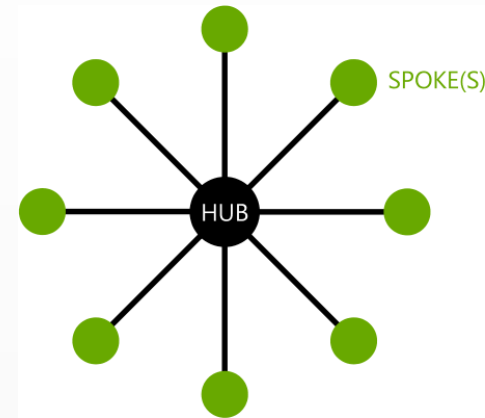
If Member A contacts Member B, and Member B contacts Member C, and so on, until a quorum has been involved, this type of “serial meeting” may result in a violation of the Brown Act.



Serial Meetings

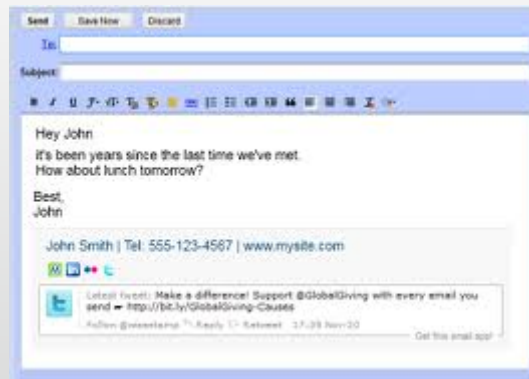
Hub and Spoke:

An intermediary -- such as a staff member or even a developer or applicant -- contacts at least a quorum of the members to develop a collective concurrence on action to be taken by the legislative body.



E-mail/Technology Meetings

Use of e-mail or other technology/media by a majority of a legislative body to discuss, deliberate, or take action on items within the body's jurisdiction violates the Brown Act.



Recommendations for E-mail

Avoid sending e-mails to the whole legislative body.

- If necessary, provide information only.
- Do not solicit a response.

Be careful replying to e-mails.

- Do not communicate your position or make a commitment on a pending matter.
- Do not direct a reply to a majority of the legislative body.

Think carefully before sending any e-mail.

- Remember, your e-mail can be forwarded by others to a majority of the legislative body.

Non-Meetings

- An employee or official of a local agency may engage in “*separate conversations or communications*” outside of a meeting in order to “*answer questions or provide information*” so long as that person “*does not communicate to members of the legislative body the comments or positions of any other member or members.*”

§ 54952.2(b)(2)



Non-Meetings

- Individual contacts or conversations between a member and any other person (provided that person is not serving as an intermediary between other members of the legislative body).



§ 54952.2(c)(1)

Role of Presiding Officer and HAC Members

Protectors of Due Process Rights

- Assure that public participants are treated fairly.



Public Access to Meetings

- Physical Accessibility
- Meeting Documents
- Recording of Meetings
- Right to Record
- Public Participation
- Limits on Public Participation

Accessibility

- Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise “fulfill any condition precedent” to attending a meeting.

§ 54953.3

- No meeting or any other function can be held in a facility that prohibits attendance based on race, religious creed, color, national origin, ancestry or sex, or which is inaccessible to the disabled.

§ 54961(a)

Accessibility

- A meeting may not be held where the public must make a payment or purchase in order to be present.

§ 54961(a)

- Action by secret ballot, whether preliminary or final, is prohibited.

§ 54953(c)

Accessibility - Disabled Persons

- Meetings must be held in facilities accessible to disabled persons.

§ 54961

- Agendas must include information regarding contact information for requests for disability-related accommodations.

§ 54954.2(a)(1)

- Agendas and other documents must be made available in “appropriate alternative formats” when requested.

§ 54954.2(a)(1)

Meeting Documents

The public has the right to review agendas and other writings distributed to a majority of the legislative body (except for privileged documents). A fee or deposit may be charged for a copy of a public record.

§ 54957.5(a) and (c)

Writings must be made public:

- at the time distributed to a majority of the legislative body (before or at a meeting) if prepared by the agency or a member of its legislative body, or
- after the meeting if prepared by some other person.

§ 54957.5(b) and (c)

Recording of Meetings



The public is allowed to use audio or video tape recorders or still or motion picture cameras at an open meeting, absent a reasonable finding by the legislative body that such recording, if continued, would persistently disrupt the proceedings due to noise, illumination, or obstruction of view.

§ 54953.5

Public Participation

- A regular meeting agenda must allow an opportunity for members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.
- The public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.
- Public comments at special meetings can be limited agenda items only.



Limits on Public Participation

- The legislative body may adopt reasonable regulations, including time limits, on public comments (e.g., 3 minutes).
- The legislative body may remove persons from a meeting who willfully interrupt proceedings. If order still cannot be restored, the meeting room may be cleared.
- Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting.



Limits on Public Participation

- Expressions of support or opposition to matters before the legislative body (provided they are not overly disruptive) constitute **protected free speech**.
- The legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the omissions of the legislative body itself.

CASE STUDY:

Reverend Brimstone discovers that each time he/she speaks during the general public comment period of agency meetings, which are televised, he/she gets new visitors to his/her house of worship. During the comment period of one meeting, Rev. Brimstone accuses the agency's presiding officer of being a "sinner" because the agency provides public services to a strip club. The presiding officer directs the board clerk to turn off the power on the speaker's microphone.

Quiz - Is this scenario permitted under the Brown Act and public meeting laws?

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This scenario is not permitted - Reverend Brimstone's comments are protected free speech.

Voting Disclosure

Legislative bodies must publicly report:

- any action taken; and
- the vote or abstention on each action taken by each member present for the action at a meeting.

§ 54953(c)(2)



Setting The Tone

The Presiding Officer and HAC Members must set a courteous and considerate tone:

- Should note and not tolerate disparaging remarks or remarks related to personal characteristics to the extent allowed.
- Should assure that the participants are all treated respectfully and fairly.

Making The Right Decision

The Presiding Officer and HAC Members should facilitate fair and defensible recommendations:

- The Chair always allows fellow body members to speak first.
- HAC Members must be concerned with protecting the decision of the body and assuring that the record and proper rationale are made.

Questions and Discussion Regarding Draft Meeting Guidelines

- The meeting shall be opened for public comment.
- HAC Members may chose to ask questions of staff and discuss guidelines for the HAC meetings.
- Future meetings will be requested by staff in order to meet project scheduling requirements.

Meeting guidelines will be followed unless scheduled for amendment at a future meeting.

Item 4, Briefing on Housing Element 2020 Annual Progress Report

Housing Element Context

- Mandatory element of the General Plan
- Updated on cycle set by State legislature

Current element:

Jan 31, 2015-Jan 31, 2023

Next element:

Jan 31, 2023-Jan 31, 2031

- Subject to State certification
- Must demonstrate City's ability to accommodate its fair share of region's housing needs

What is RHNA?

- **Since 1969, State law** has required that all jurisdictions plan to meet the housing needs of everyone in the community
- **State** identifies total number of units, across all income groups, for which the region must plan for 8-year period
- **ABAG** collaborates with local governments and stakeholders to develop a formula to assign each community their share
- **Each local government** must update Housing Element and zoning, if needed, to show how it plans to accommodate its share of the regional need

City of Piedmont RHNA

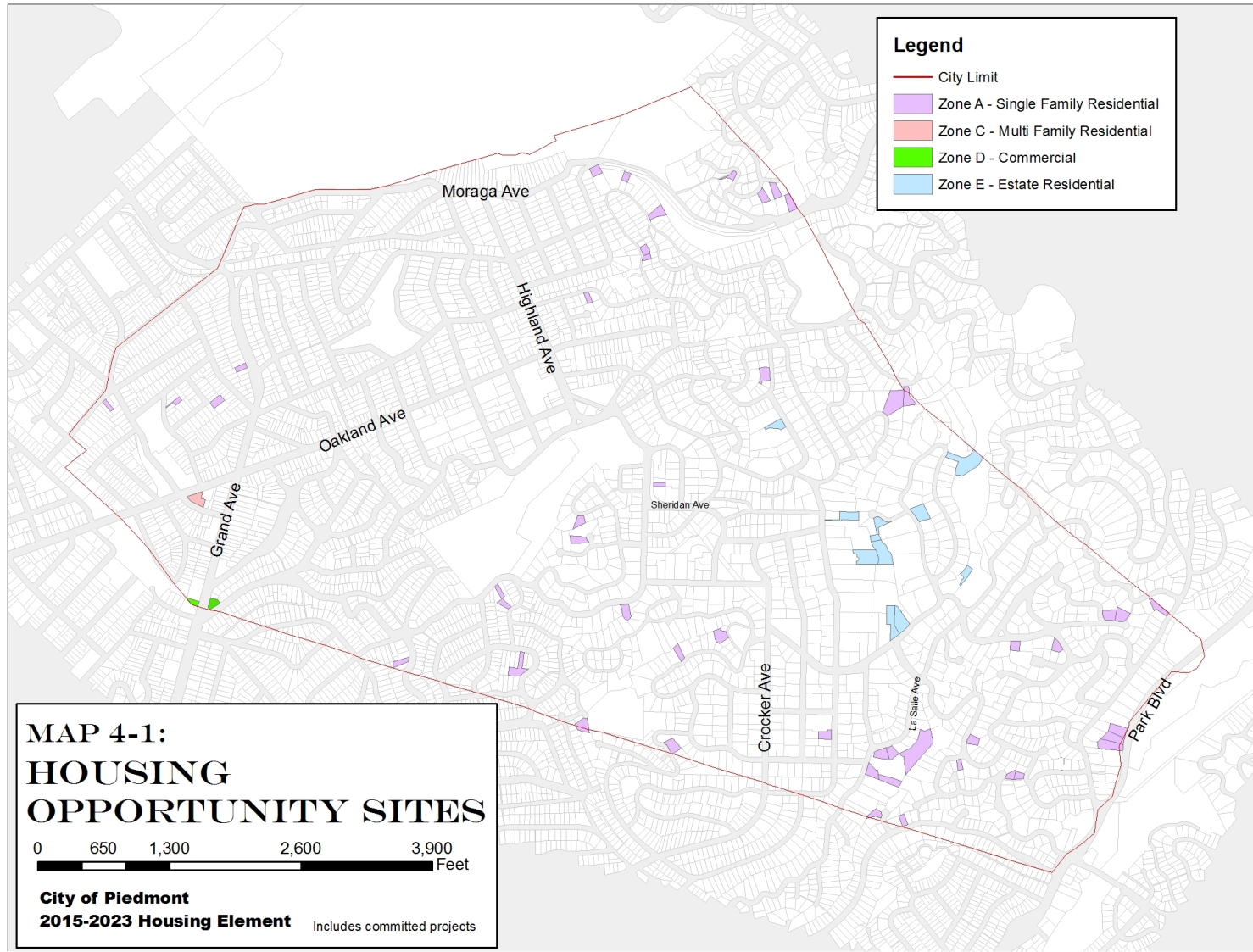
Goal of 60 new housing units for the period of 2015 to 2022

RHNA housing units are distributed into the following four categories:

- 24 very low income units;
- 14 low income units;
- 15 moderate income units; and
- 7 above moderate housing units.

Current Site Availability

Approximately 60 vacant single-family lots, many constrained



Progress Report Statistics

2019 Statistics

Planning Applications: 26

Planning Entitlements: 22

Building Permits Issued: 11
(10 ADUs & 1 SFR)

Building Permits Finaled: 18
(18 ADUs)

2020 Statistics

Planning Applications: 28

Planning Entitlements: 25

Building Permits Issued: 24
(21 ADUs & 3 SFRs)

Building Permits Finaled: 6
(6 ADUs)

73 Building Permits Issued

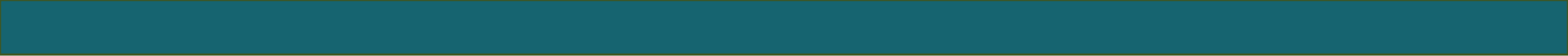
INCOME LEVEL	2015	2016	2017	2018	2019	2020
Very Low	1	2	1	0	2	6
Low	2	0	2	4	2	7
Moderate	2	0	3	2	4	6
Above Moderate	7	3	1	8	3	5
Total	12	5	7	14	11	24

Remaining Units for 2021 and 2022

INCOME LEVEL	TOTAL TO DATE	RHNA	REMAINING 2021 - 2022
Very Low	12	24	12
Low	17	14	-3
Moderate	17	15	-2
Above Moderate	27	7	-20
Total	73	60	12 VL

Questions and Discussion on APR

- The meeting shall be opened for public comment.
- HAC Members may chose to ask questions of staff and discuss the Annual Progress Report (APR).
- No action is scheduled to be taken on the APR.



Item 5, Briefing on SB 2 Planning Grant

Item 5, Briefing on SB 2 Planning Grant

In 2019, the Council approved the SB 2 Program project and outlined the tasks for staff to pursue in order to accelerate the production of new housing.

Item 5, Briefing on SB 2 Planning Grant

June 2022: must complete new/modified policies and programs.

The SB 2 housing programs focuses on the two strategies in the existing Piedmont Housing Element (2015-2022):

- construction of ADUs on residential properties; and
- development of mixed-use multi-family development in zones C and D.

The new policies and programs must help produce **270 additional affordable ADUs** and **50 multi-family apartments** above existing housing regulations. **The City must follow an open, transparent, and inclusive process that engages the Piedmont Community.**

Item 5, Briefing on SB 2 (continued)

In November 2020, the City Consultant, Lisa Wise Consulting, conducted stakeholder interviews with over 35 participants, including:

- Elected and appointed City officials
- Property owners in or near Zones C and D
- Real estate professionals
- Housing advocates

Item 5, Briefing on SB 2 (continued)

After the interviews, LWC prepare the following guiding principles:

Draft SB 2 Guiding Principles

1. Support equitable distribution of affordable units across the City.
2. Promote and enhance community design and neighborhoods.
3. Remove barriers to development and access to housing through clear and objective standards.
4. Facilitate the development of new housing units through strategic partnerships between the City and the broader community.

1 Support equitable distribution of affordable units across the City. A diversity of housing choices, including new affordable multi-family housing, new mixed-income multi-family housing, new residential mixed-use development, converted units, ADUs, and JADUs, should be considered throughout the City's neighborhoods, corridors, and zoning districts.

2 Promote and enhance community design and neighborhoods. Infill development should be compatible with the neighborhood context. Development and design standards should ensure that new construction “fits in” in terms of building scale, placement, and design; and is sensitive to impacts on the neighborhood, including impacts related to sunlight access, privacy, and roadway access. Each building must exhibit high-quality design and play a role in creating a better whole.

- 3 Remove barriers to development and access to housing through clear and objective standards.** Development standards and procedures should guide development that is equitable and feasible and that lead applicants through procedures that are transparent and predictable.

4 Facilitate the development of new housing units through strategic partnerships between the City and the broader community. Partnerships to facilitate development include reaching community consensus for desired development types; achieving community support for new incentives, standards, and tools to meet housing goals; and beginning a community discussion about strategies for City-facilitated development of housing units for a range of income levels.

SB 2 Planning Grant - Public Engagement

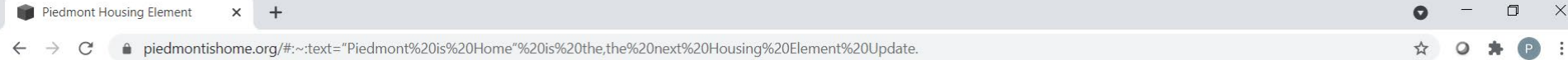
PiedmontisHome.org launched on March 12, 2021:

- Piedmont Fair Housing Survey
- Interactive Pinnable Map
- Mayor King Welcome Video

Survey and pinnable map open March 12 to April 15.

The website, survey, and pinnable map were publicized by a postcard mailed to every residence in Piedmont; articles in City eNewsletters (March 18 and April 8) to 4,000+ emails; Facebook and NextDoor postings; and posters at local businesses.

Piedmont is Home



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[Advisory Committee](#)

[Resources](#)



Piedmont is Home

“Piedmont is Home” is the umbrella title for the City of Piedmont housing policy work. This term includes the SB 2 Housing Programs Project, Measure A1 grant, and the next Housing Element Update. The Piedmont is Home website is a clearinghouse for information about new housing policy in Piedmont and project updates, as well as interactive ways to participate in the public engagement for these projects.

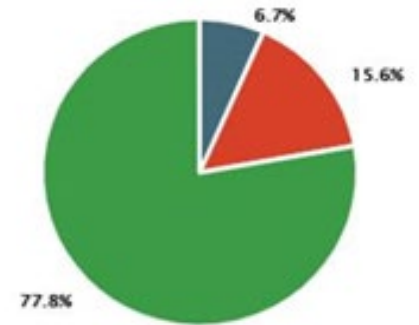
[Share Your Voice](#)

[Learn More](#)

SB 2 Planning Grant - Public Engagement Preliminary Results

- 877 responses to Fair Housing Survey
- 90 comments on Pinnable Map
- 247 visitors to Pinnable Map

Comment Types

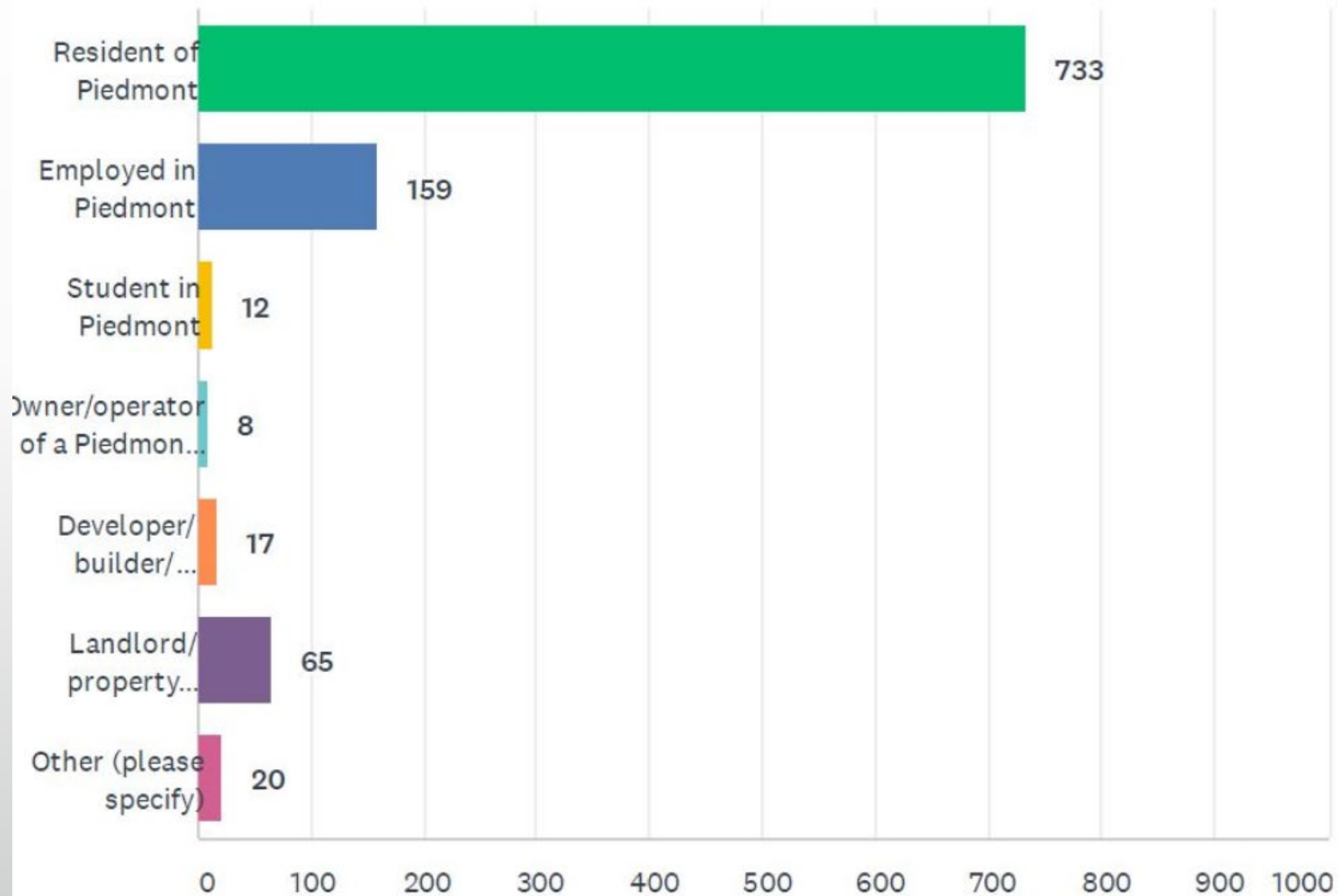


- In which areas do you have questions?
- Which areas should City staff protect from increased develop...
- Which of the locations on this map should be designated for L...



Q1 I am a: (select all that apply)

Answered: 877 Skipped: 1



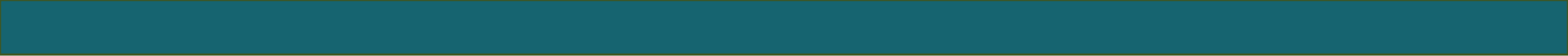
SB 2 Planning Grant - Public Engagement

May and June SB 2 Housing Programs Workshops

- Dates to be determined (tentatively May 18 and June 8)
- Survey and pinnable map results
- Finalize SB 2 guiding principles
- Perform background analysis and research over the summer

Questions and Discussion on SB 2

- The meeting shall be opened for public comment.
- HAC Members may chose to ask questions of staff and discuss the SB 2 Housing Programs.
- HAC Members and members of the public may give staff comments on the SB 2 guiding principles either in the meeting or in emails to City staff to pmacdonald@piedmont.ca.gov
- No action is scheduled to be taken on the SB 2 Item.



Item 6, Preparation for 2023-2031 Housing Element

Item 6, Preparation for 2023-2031 Housing Element

- Schedule
- Draft Regional Housing Needs Allocation (RHNA)
- City staff correspondence with ABAG and HCD
- Priority - Sites Inventory

Tentative Housing Element Update Schedule



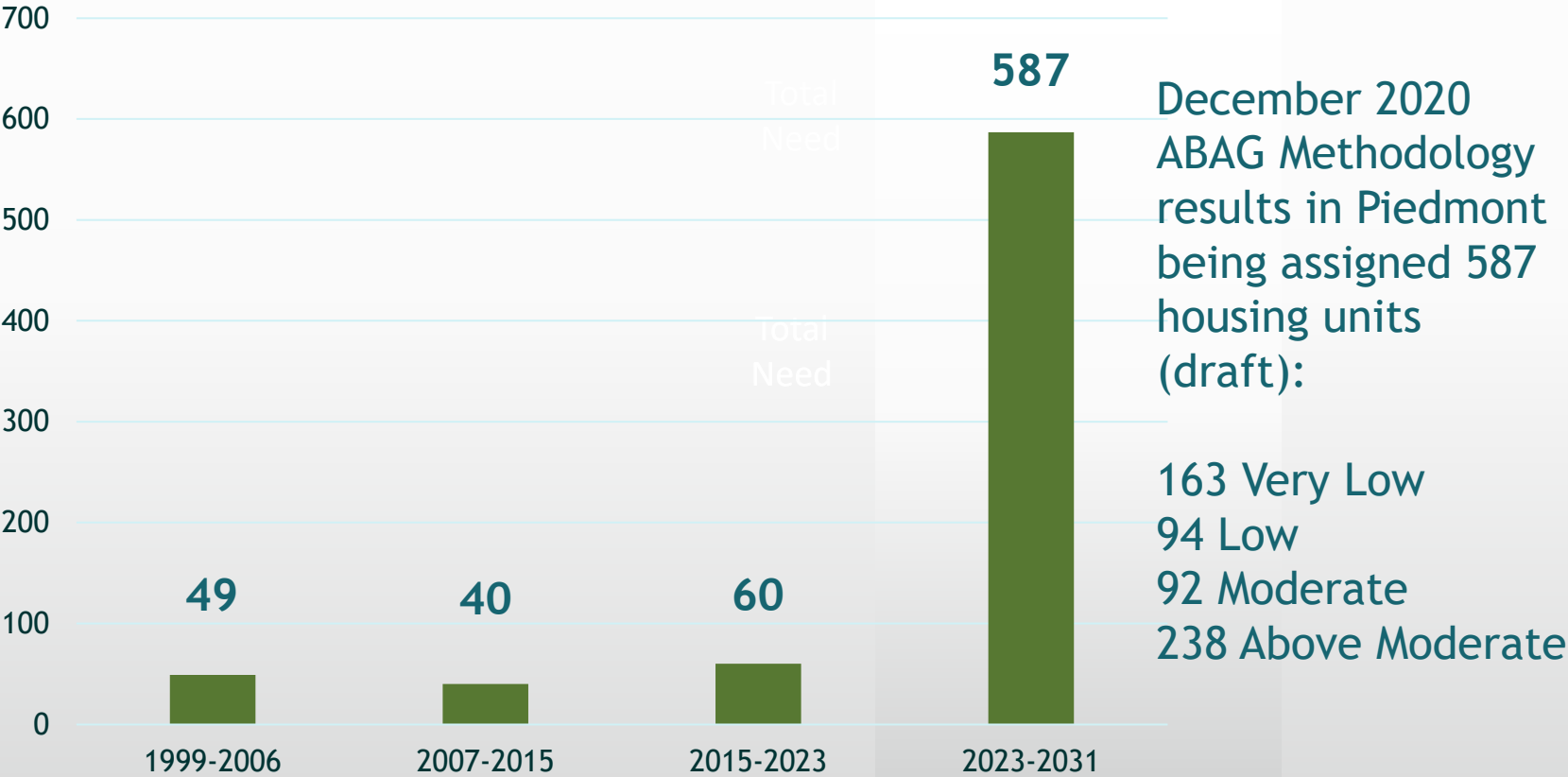
Conclusion - thank you

Summary of key milestones

MILESTONE	DEADLINE
Housing Methodology Committee kick-off	October 2019
HCD Regional Housing Need Determination	Summer 2020
Plan Bay Area 2050 Draft Blueprint	July 2020
Proposed RHNA methodology, draft subregion shares	Fall 2020
Plan Bay Area 2050 Final Blueprint	December 2020
Final subregion shares	December 2020
Draft RHNA methodology to HCD for review	Winter 2020-21
Final RHNA methodology, draft allocation	Spring 2021
RHNA appeals	Summer 2021
Final Plan Bay Area 2050	September 2021
Final RHNA allocation	End of 2021
Housing Element due date	January 2023

*By statute, the Housing Element due date cannot be extended beyond January 2023
Other dates are tentative and subject to change*

What does this mean for Piedmont?



What does 587 units look like?

83 of these



408 Linda
(7 townhomes)
(20 units/acre)

23 of these



Il Piemonte
(26 condos)
(70 units/acre)

4.5 of these



Baxter(51st & Broadway)
(130 apartments)
(100 units/acre)

RHNA Concerns

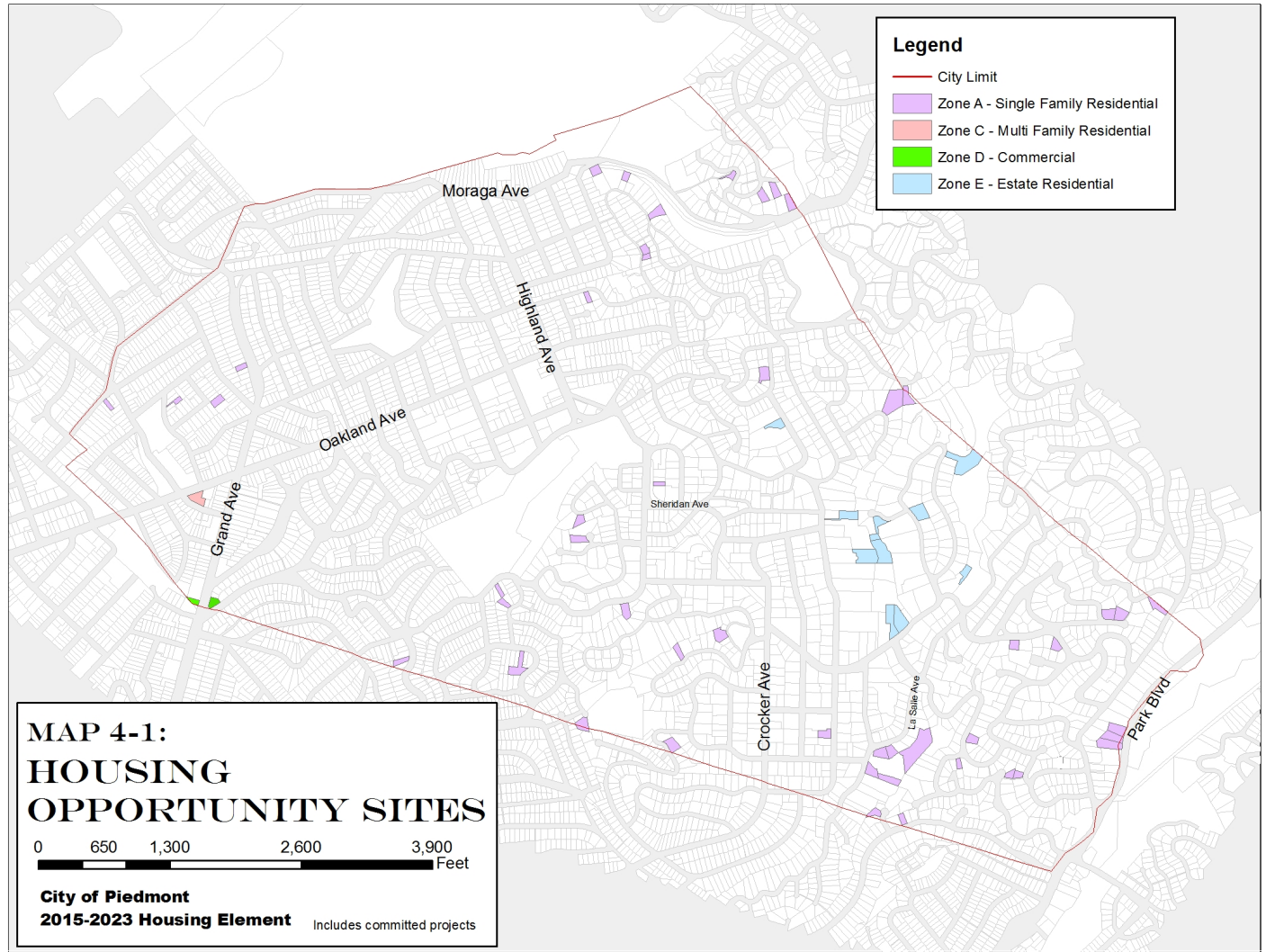
- Lack of transparency in the process.
- The RHNA baseline (432 housing units) is the largest contributing factor to the Piedmont RHNA.
- Conflict between ABAG projected growth and RHNA.
- Land capacity and hazards are not considered.
- RHNA methodology is not consistent with other state goals (reduce commuting, greenhouse gas emissions, development in wildfire areas, and urban sprawl).
- RHNA methodology pushes growth out of job centers.
- Projections for Piedmont not shared with City staff.
- Above moderate (luxury) quota is much larger.

Implications of a high RHNA for Piedmont

- Housing Element certification is contingent on City's ability to accommodate its RHNA. Loss of certification means loss of grants and legal risk.
- Accommodating 587 units would require amendments to General Plan including Land Use Element and Safety Element, and associated CEQA documentation.
- Changes to Zoning Ordinance and Zoning Map (City Charter).
- New ADU programs.
- Programs to encourage: taller, more dense buildings; housing on public lands; residential development on churches and synagogues; and single-family homes divided into multi-unit structures (or replaced).

Current Site Availability

Approximately 60 vacant single-family lots, many constrained



Changes to Housing Element site selection for lower-income housing

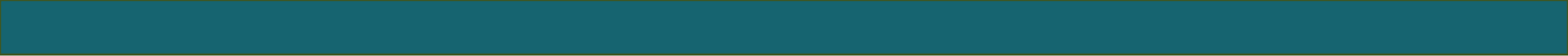
Cannot “re-use” site unless provide minimum density and “by right” zoning

Narrow definition of vacant, and if non-vacant sites used for 50% or more of lower-income need, existing use presumed to impede development

Cannot use sites smaller than 0.5 acre or larger than 10 acres without substantial evidence

Questions and Discussion on Housing Element Update

- The meeting shall be opened for public comment.
- HAC Members may chose to ask questions of staff and discuss the Housing Element Update.
- No action is scheduled to be taken on the Housing Element Update Item.



Item 7, Next Steps

Item 7, Next Steps

- Staff will contact the HAC Members regarding scheduling of the next HAC meeting.
- The next HAC meeting is tentatively scheduled to coincide with the SB 2 workshops in May and June (May 18 and June 8).
- Any questions, please contact:
Kevin Jackson at kjackson@piedmont.ca.gov
Pierce Macdonald-Powell at pmacdonald@piedmont.ca.gov