



## MEMORANDUM

DATE: June 15, 2021

TO: Housing Advisory Committee

FROM: Pierce Macdonald-Powell, Senior Planner

SUBJECT: Consideration of Fair Housing Guiding Principles for Implementation of the Current 2015 Housing Element for Recommendation to the City Council

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### AGENDA ITEM NUMBER 2

#### RECOMMENDATION:

Recommend City Council adoption of Guiding Principles, as provided on page 2 of this report, for the implementation of the 2015 Housing Element regarding new accessory dwelling unit (ADU) programs and incentives and new objective design standards for the construction of multi-family apartment buildings (funded by the SB 2 grant).

#### EXECUTIVE SUMMARY:

It is important for the City to consider whether or not new programs developed to implement the current 2015 Housing Element help facilitate the production of affordable housing today. The Housing Advisory Committee is asked to make a recommendation to the City Council for the adoption of Guiding Principles for the research and preparation of new housing programs that consist of ADU programs and incentives and objective design standards to implement the City of Piedmont 2015 Housing Element.

#### BACKGROUND AND ANALYSIS:

On September 16, 2021, the City Council authorized the City's application for a SB 2 grant. To be eligible for the SB 2 planning grant, the City's proposed scope of work had to demonstrate a direct connection to housing production acceleration. In the SB 2 grant program, the California Department of Housing and Community Development prioritized accessory dwelling units (ADUs) and development of objective design standards. The grant funds were restricted to the development of planning programs that accelerate housing production in the near term. The grant agreement requires that all funded programs must be completed by June 2022.

Draft guiding principles, prepared by LWC and City staff, are intended to inform and guide the development of the new SB2 grant-funded housing programs, public engagement, and work products. The draft guiding principles build on the 2015 Housing Element policy, stakeholder interviews in November 2020, and public engagement completed to date. These guiding principles direct the City to consider affordable housing opportunities in all parts of Piedmont, consider architectural design that blends new development with existing development, streamline the development process, promote social equity, and other values important to the Piedmont community.

In November 2020, LWC representatives met with 34 Piedmont residents, including City officials, community members, realtors, and staff. A summary of the stakeholder feedback is provided in the May 19, 2021 staff report (Attachment A). The City presented the draft SB 2 Guiding Principles to the Piedmont Community as part of the March 2021 Fair Housing Survey and also presented them to the Housing Advisory Committee at its meetings on April 20, 2021 and May 19, 2021. The draft SB 2 Guiding Principles, as revised to reflect public comments, are as follows:

- 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 designs; and achieving community support for new incentives, standards, and tools to meet housing goals.
- 5. Social equity.** Work with the Community to proactively facilitate greater social equity by considering City incentives and programs that will enable new homes and apartments for a range of income levels, creating opportunities for all persons regardless of race, religion, ethnic background, or financial ability.

On May 19, 2021, the Housing Advisory Committee considered the Guiding Principles and a draft recommendation that the City Council adopt the Guiding Principles. Due to community interest in this topic, the Committee asked that members of the public send their questions and comments to City staff at [piedmontishome@piedmont.ca.gov](mailto:piedmontishome@piedmont.ca.gov). No action was taken on the Guiding Principles at the May 19 meeting.

The public correspondence received after the meeting indicated that the City needed to communicate an important distinction between the work currently underway to prepare ADU programs and objective design standards and the larger effort to prepare a new Housing Element Update, scheduled to begin later this month. To that effort, the City has clarified that the Guiding Principles under consideration are for implementation of the current 2015 Housing Element only.

The Guiding Principles are not intended to be a broad mission statement guiding the far-reaching policy discussions that must occur as part of the next Housing Element Update. The goal of the guiding principles is to guide the development of ADU programs and development of objective

design standards for apartment buildings, as directed by the current 2015 Housing Element, recognizing that state regulations and social conditions today are different than the ones in 2015.

In summary, the public comments received since May 19, 2021 suggested the following changes (suggested changes are italicized):

Principle #1

- No suggested changes.

Principle #2

- Substitute the words “*complements or enhances the neighborhood*” instead of the phrase “fits in the neighborhood.”
- Substitute the words “*is sensitive to the neighborhood*” instead of the phrase “fits in.”
- Add the sentence, “*At the same time, the City embraces that neighborhoods and building standards will evolve and change over time.*”

Principle #3

- Substitute “*objective zoning code*” instead of “objective design standards.”
- Specify “*housing development*” rather than “development.”
- Add “*should lead applicants*” instead of “that lead applicants.”
- Substitute “*planning application process*” rather than “procedures.”

Principle #4

- Omit the phrase “~~*reaching community consensus for desired development types.*~~”
- Substitute “*working with the community to develop strategies*” instead of “beginning a community discussion about strategies.”

New Principle #5

- Create a 5th guiding principle stating a commitment to being pro-active in furthering fair housing and creating a more inclusive community.
- Create a 5th guiding principle stating “*Implementation of State Law. The City will implement in good faith all state laws supporting affordable housing including streamlined permitting, density bonuses, energy efficiency, and on-site renewable generation.*”
- Create a 5th guiding principle stating “*Redress Piedmont’s history of exclusionary housing policy through proactive efforts to affirmatively further fair housing and to create a more inclusive, diverse, and equitable community.*”

Most of the suggested changes are far-reaching, long term, and policy focused. For example, the proposed change to add “objective zoning code” instead of “objective design standards” in principle #3, is not supported by staff because comprehensive zoning changes will be considered in the Housing Element Update, and zoning code changes may or may not be made in regards to the ADU programs and objective design standards.

However, staff does support changes to principle #4 and the creation of a new principles #5. Staff recommends that the Guiding Principles address social equity directly. Because City’s current effort is to implement the 2015 Housing Element, City staff supports revisions to principle #4 and a new principle #5, as shown on page 2 of this report. The 2015 Housing Element includes the following language regarding social equity, including racial equity, as the basis for principle #5:

“GOAL 7: EQUAL ACCESS TO HOUSING Ensure that all persons have equal access to housing opportunities in Piedmont.

- Policy 7.1: Housing Choice: Promote the development of housing for all persons regardless of race, religion, ethnic background or other arbitrary factor.”

#### CONFORMANCE WITH GENERAL PLAN:

Development of the new SB 2 grant housing programs is consistent with General Plan Housing Element goals, policies, and actions, including the following goals:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Goal 3: Affordable Housing Opportunities – Create additional housing opportunities for moderate, low, and very low income Piedmont residents.

Goal 7: Equal Access to Housing - Ensure that all persons have equal access to housing opportunities in Piedmont.

Programs to support ADUs are consistent with the 2015 Housing Element Goal #3’s policies and implementing actions specifically created to support ADUs, which were previously titled “second units,” as follows:

3.A: Second Unit Ordinance assessment – Complete a 5-year assessment of the Piedmont Second Unit Ordinance , with a focus on the incentives that are being used to promote rent-restricted units and the steps that can be taken to increase second unit production and occupancy rates.

3.B: Affordable second unit public information campaign – Initiate a public information and education campaign about second units, including definitions, regulations for their use, opportunities for their construction, and the various incentives offered by the City to create rent-restricted units.

Programs to support new objective designs standards for apartment buildings are consistent with the following 2015 Housing Element implementing actions:

Action 1.E.: Allowing multi-family housing and mixed-use in in the Commercial Zone – Amend the Piedmont Zoning Ordinance to add multiple family housing and mixed-use development to the list of conditionally permitted uses in the Commercial Zone (Zone D).

Action 1.G: Facilitating multi-family development – Develop incentives which would facilitate multi-family development on land zone for multi-family or commercial uses in Piedmont, including modifications to lot coverage requirements for multi-family uses in Zones C and D, and modifications to permitted and conditionally permitted use requirements for Zones C and D. The City will also consider potential ways to streamline environmental review in the event future multi-family uses are proposed in these areas.

Action 2.E: Streamlining design review – Conduct a Planning Commission study session to identify steps that might be taken to expedite and improve the design review process.

Following this session, develop amendments to the Design Review process consistent with Action 28.C of the General Plan (Design and Preservation Element).

A list of the General Plan's 2015 Housing Element goals, policies, and implementing actions that will be supported by the new ADU programs and objective design standards is included in the May 19, 2021 staff report (Attachment A).

CEQA:

This agenda item is exempt from the California Environmental Quality Act (CEQA) because guiding principles are not a project as defined in section 15378 of the CEQA Guidelines, and also exempt pursuant to section 156061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of an impact on the environment.

CITY COUNCIL ACTION REQUIRED:

The City Council is tentatively scheduled to consider the Guiding Principles at a public meeting on the June 21, 2021. City Council consideration of Guiding Principles for the SB 2 grant housing programs is not required but will ensure that City staff and consultants are following the will of the City Council as the new SB 2 grant housing programs are researched and prepared.

ATTACHMENTS:

- A     Pages 6 to 19     May 19, 2021 Housing Advisory Committee Staff Report
- B     Pages 20 to 25     Public Correspondence

City of Piedmont  
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## MEMORANDUM

DATE: May 19, 2021

TO: Housing Advisory Committee

FROM: Pierce Macdonald-Powell, Senior Planner

SUBJECT: STAFF REPORT – Consideration of Guiding Principles for Recommendation to City Council

### AGENDA ITEM NUMBER 4

#### REPORT SUMMARY:

Consideration of a recommendation to the City Council for the adoption of Guiding Principles for the research and housing policies prepared under the auspices of the SB2 program.

#### BACKGROUND AND ANALYSIS:

Draft guiding principles, prepared by LWC and City staff are intended to inform and guide the development of the new SB2 grant housing programs, public engagement, and work products. The draft guiding principles build on the 2015 Housing Element policy, stakeholder interviews in November 2020, and public engagement completed to date. These guiding principles direct the City to consider affordable housing opportunities in all parts of Piedmont, consider architectural design that blends new development with existing development, streamline the development process, and other broad principles. Once adopted by the City Council, the City will evaluate the work prepared under the auspices of the SB2 program against these guiding principles.

In November 2020, LWC representatives met with 35 Piedmont residents, including City officials, community members, realtors, and staff. A summary of the stakeholder feedback is provided as Attachment A to this report. The City presented the draft SB 2 Guiding Principles to the Piedmont community as part of the March 2021 Fair Housing Survey and presented them to the Housing Advisory Committee at its first meeting on April 20, 2021. The draft SB 2 Guiding Principles are as follows:

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.

On May 19, 2021, the Housing Advisory Committee is asked to vote to recommend City Council adoption of the SB 2 Guiding Principles. The City Council is tentatively scheduled to consider the SB 2 Guiding Principles at a public meeting on June 21, 2021. If adopted, the Guiding Principles will guide work on the SB 2 grant housing programs, and staff will compare work produced for the SB 2 grant to these principles.

If the Housing Advisory Committee Members wish to move approval of the draft SB 2 Guiding Principles, a Committee Member may make the following motion:

“I move that the Housing Advisory Committee recommend City Council adoption of the SB 2 Guiding Principles as prepared by City staff and LWC.”

#### CONFORMANCE WITH GENERAL PLAN:

Development of the new SB 2 grant housing programs is consistent with General Plan Housing Element goals, policies, and actions, including the following goals:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Goal 3: Affordable Housing Opportunities – Create additional housing opportunities for moderate, low, and very low income Piedmont residents.

Programs to support ADUs are consistent with the General Plan Housing Element Goal #3’s policies and actions specifically created to support ADUs, which were previously titled “second units,” as follows:

3.A: Second Unit Ordinance assessment – Complete a 5-year assessment of the Piedmont Second Unit Ordinance, with a focus on the incentives that are being used to promote rent-restricted units and the steps that can be taken to increase second unit production and occupancy rates.

3.B: Affordable second unit public information campaign – Initiate a public information and education campaign about second units, including definitions, regulations for their use,

opportunities for their construction, and the various incentives offered by the City to create rent-restricted units.

A list of the General Plan Housing Element goals, policies, and actions that will be supported by the new SB 2 grant housing programs is included with this staff report as Attachment B.

CEQA:

This agenda item is exempt from the California Environmental Quality Act (CEQA) because this report is not a project as defined in section 15378 of the CEQA Guidelines, and also exempt pursuant to section 156061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of an impact on the environment.

CITY COUNCIL ACTION REQUIRED:

City Council approval is required for any of the SB 2 grant programs to take effect or to be implemented by City staff. City Council consideration of Guiding Principles for the SB 2 grant housing programs is not required but will ensure that City staff and consultants are following the will of the City Council as the new SB 2 grant housing programs are researched and prepared.

ATTACHMENTS:

A	Pages 4 to 12	Stakeholder Interview Summary Report and Guiding Principles
B	Pages 13 to 14	General Plan Housing Element Goals, Policies, and Actions

# MEMO

**To:** Pierce Macdonald-Powell, Senior Planner, City of Piedmont

**From:** Monica Szydlik and Lisa Wise, Lisa Wise Consulting, Inc.

**Date:** May 12, 2020 (revised from December 8, 2020)

**Subject:** SB2 Planning Grant Mixed-Use and Multi-Family Objective Design Standards and Prototype Plans and Incentives for Accessory Dwelling Units: **Stakeholder Interviews Summary and Guiding Principles**

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The SB2 Planning Grant project, led by the City of Piedmont, involves a robust community outreach program with four community events and an online survey. As the first of these four community events, the City directed Lisa Wise Consulting, Inc. (LWC) to conduct interviews with key stakeholders. The interviews were intended to provide an insider's perspective of existing standards; identify community priorities for design of multi-family and residential mixed-use projects; and solicit thoughts on strategies for incentivizing the development of new multi-family, residential mixed-use, and accessory dwelling units (ADUs) in Piedmont. The interviews were also intended to help generate Guiding Principles, which will be shared with the community and will guide future efforts for the project. (The Guiding Principles are listed at the end of this memo.)

The City identified and contacted 35 individuals as potential interviewees and 34 participated in the interviews. Included were residents, architects, realtors, property owners, City staff, Planning Commissioners, City Councilmembers, and members of special interest groups. LWC conducted a total of 21 one-on-one or small group interviews (up to four interviewees per small group). All 21 interviews were conducted on November 12 and 13, 2020, via Zoom teleconference or telephone.

Interviews were scheduled for 30 minutes each out of respect for respondents' time and to limit informant fatigue, and generally lasted 30 to 40 minutes. The interviews followed a list of eight questions developed by LWC and reviewed and approved by the City (see below and Appendix). All interviews were initiated with a greeting and a brief: 1) introduction to the project, 2) description of intent of the interviews, 3) assurance on confidentiality, and 3) expected time commitment (about 30 minutes). Lastly, interviewees were reminded that there will be more opportunities to provide input during later phases of the project.

Below is a summary of the stakeholder interviews followed by the Guiding Principles that emerged from the interview responses.

## STAKEHOLDER INTERVIEWS SUMMARY

Generally, respondents were friendly, generous with information, and appreciative of the opportunity to be involved. All interviewees agreed to answer additional questions or comments and continue to work with the team on the project, indicating that the respondents valued the process and that the responses were candid and accurate. The following are summaries of responses to each question.

**Question 1: What is your relationship with the City of Piedmont (Council, Commission, property owner, resident, business owner/operator, advocate, non-profit organization, neighborhood organization, concerned/interested citizen)?**

Most respondents identified themselves primarily as residents. Respondents also identified themselves as property owners, realtors, architects, or representatives of special interest groups or committee. About half of interviewees (a total of 16) identified themselves as a current or former Planning Commissioner or City Councilmember.

**Question 2: In your opinion, which residential buildings or blocks in the Grand Avenue area or the Highland Avenue area best represent the Piedmont aesthetic? (Name 3)**

Positive responses included the following:

- Multi-family on Linda Avenue near Oakland Avenue overpass (16 mentions). Interviewees cited effective use of materials, low-impact scale and massing, and favorable architectural style, landscaping, corner design elements, and parking configuration. Three respondents, however, mentioned that the Linda Avenue townhouses are not a good example because it was expensive to build; the units are market rate/not affordable; and the project is overparked.
- Wildwood Gardens (5 mentions). This development was cited as blending in with the neighborhood context and exhibiting building and parking design that “disguises” its density.
- Il Piemonte (4 mentions). Interviewees saw this as a good example of vertical mixed-use with quality design that doesn’t feel dense and doesn’t look cheap. It was also described as tasteful with good light fixtures, rooftop open space, and landscaping.
- 154 Moraga Avenue (3 mentions). The historic Irving Gill garden cottages were described as blending seamlessly into the surrounding neighborhoods.
- Two- to four-unit developments on Moraga Avenue (3 mentions). Existing multi-family housing along Moraga Avenue was described as fitting in with the neighborhood context and appearing as single-family homes.
- Lakeshore Drive fourplexes; Multi-unit housing on Linda Avenue between Lake and Kingston avenues; Broadway Grand condos at 438 W Grand in Oakland; 4409 Piedmont Avenue, the Spanish Mission style of Highland Avenue; San Francisco-style 3-flat buildings (1 mention each).

Other responses included:

- “Dingbats” on Moraga Avenue are a bad example.
- The commercial development at the intersection of Linda and Grand avenues is not the right aesthetic.
- The expression of a design aesthetic typical of Piedmont should be neither a priority nor an expectation for multifamily and residential mixed-use development.

**Question 3: In your opinion, do the current zoning standards and design guidelines for multifamily and mixed-use development encourage development that expresses the most valuable characteristics of the City’s neighborhoods?**

Almost half of interviewees/interview groups (a total of 11) felt that current zoning standards and design guidelines for multifamily and mixed-use development are lacking in some way. Interviewees cited zoning envelopes that don’t incentivize mixed-use and multifamily development and called for taller heights, greater allowable density, and smaller units. Some participants felt that existing standards for soundproofing, privacy

(windows placement), and access to sunlight are inadequate, and some felt that the Code and guidelines are not specific enough and do not adequately maintain architectural integrity. One participant noted that quality projects typically need many variances.

Feedback about parking requirements was mixed. Some felt that parking restrictions that pose challenges to car-dependent multi-family and mixed-use development, while some felt that parking standards for such development should be further reduced or eliminated.

Many participants also felt that existing Zoning causes procedural barriers for multi-family, mixed use, and especially affordable housing by being unclear, difficult to understand, and creating too much “red tape.” Some expressed distrust in the discretionary review process and felt that its subjective nature inhibits development. In addition, one participant felt that the City would simply not allow ADUs and Junior ADUs (JADUs) that would otherwise be feasible.

About one-third of interviewees/interview groups (a total of 6) felt that the zoning standards and design guidelines generally work well to maintain good design in Piedmont. Specifically, these participants felt that the Design Guidelines have led to quality landscaping, character/style, and adequately address compatibility.

Four interviewees/interview groups were unsure or did not respond.

**Question 4: Please rate the following elements in establishing or maintaining the character in Piedmont, 5 being the highest/most and 1 the least/lowest. Consider both primary and accessory structures. (Scale and size of structure; setbacks; façade design; architectural styles; quality of building materials; landscaping and streetscape; location and configuration of parking)**

Some participants were comfortable with assigning a numeric rating to each design element while some respondents preferred to discuss the design elements qualitatively. Overall, respondents frequently mentioned the need for design elements to be consistent with, or “fit in with,” the surrounding neighborhood context. The following provides, in order, the average ranking of each design element based on the respondents that offered quantitative rankings, as well as a summary of related feedback.

- **Scale and size of structure: 4.7.** Must be consistent with (have a “similar feel to,” be “in harmony with”) neighboring homes. Upper-story step backs are important and standards should be conscious of shade cast. Height/scale must be sensitive to adjacent single-family residences.
- **Location and configuration of parking: 4.4.** Required parking must be covered and off-street. Underground, tandem, and stackable mechanical is OK. Should not be visible/should not impact design from the street. Parking standards in the ADU ordinance should permit addition of curb cuts for ADUs regardless of whether primary dwelling is conforming. Alley access where possible should be encouraged. Garage width as a percentage of building width or lot width should be limited. Entrances to parking must be carefully designed/located to preserve streetscapes and ensure pedestrian safety.
- **Façade design: 4.4.** Should match the style of the community. Must be “human scale.” Façade design should be more formal in the center of town/Downtown area (e.g., Colonial); less formal/more flexible in the Grand Avenue area. More articulation.
- **Landscaping and streetscape: 4.4.** Must blend in. Need to be conscious of water usage, need a MWEL. Planter boxes are good. Should complement the streetscape in the right-of-way. Piedmont is not a town of fences, gates, and/or walls. Landscaping can be effective in ensuring privacy.

- **Quality of building materials: 4.0.** No vinyl windows, no hardy board, no aluminum cladding, no siding, no all-glass structures. There should be a reference to the natural environment (wood, brick, stone). Must not be/look cheap. Should be “green,” long-life, and termite-, moisture-, and fireproof.
- **Setbacks: 4.0.** Important to protect access to sunlight. Setbacks can be zero along Grand Ave. Setbacks should be consistent with neighboring properties and protect the feeling of openness in the city.
- **Architectural styles: 3.7.** Must be well-done, coherent, pleasing, and “blend in.” Should have some recognizable style, whether Contemporary, Craftsman, Tudor, or other. No freight containers. Brutalist architecture is not appropriate. Detailed architectural standards will be important.

**Question 5: In your opinion, what are the biggest challenges property owners in Piedmont face in constructing ADUs?**

Interviewees were generally enthusiastic about ADUs and JADUs as “affordable-by-design” housing. Many participants mentioned and voiced support for recent measures on the part to the State to facilitate construction of ADUs and expressed optimism that these can become a source of new affordable units in Piedmont. Challenges identified by interviewees included:

- **Procedural challenges.** Some interviewees felt that getting through discretionary review is the biggest real or perceived challenge, with detached ADUs running into style and compatibility issues. Many participants also referenced the lack of clarity/understanding of the whole process. Participants suggested the City provide a guide for working through the ADU process that lets people know that the restrictions have been loosened, outlines the process step-by-step, and provides a resource list.
- **Regulatory challenges.** Many interviewees simply stated that there need to be clearer standards in place. In terms of specific regulations, challenges included:
  - *Parking.* Participants noted that ADUs cause parking problems in neighborhoods, particularly on narrow streets. Interviewees suggested that the ADU ordinance should provide more direction on parking and that parking in the driveway or tandem parking should be allowed.
  - *Design.* Some participants felt that requirements for the design of the ADU to match that of the primary dwelling is too onerous.
  - *Lot Minimums.* Interviewees noted that the Zone minimum lot size makes many lots nonconforming, which can cause challenges to development.
  - *Height limits.* Interviewees cited small lot sizes as a reason to increasing height limits, and voiced support for ADUs above garages.
  - *Impervious surfaces.* Interviewees expressed concern that the limit on impervious surfaces restricts development of ADUs.

Other participants stated that ADU standards should not be more liberal than what the State allows; that people should be required to rent out ADUs; and that people should not be allowed to use ADUs to avoid parking requirements for additional bedrooms in the primary dwelling.

- **Physical constraints.** Interviewees noted that standards should be sensitive to development on sloped rear yards where ADUs are naturally more visible from the street; and that narrow side yards pose challenges to access.

- **Cost/Financing.** Many interviewees cited cost as the major challenge to constructing ADUs.
- **Opposition from neighbors.** Neighbors' concerns about traffic, noise, solar access, and view protection were identified as challenges. Some interviewees felt that the City is not sufficiently addressing neighbors' concerns; and that there is a need for a neighbor notification requirement and an opportunity for neighbors to provide input.

Other comments related to ADUs included doubt that ADUs can be the primary driver to increase housing diversity and production; concerns about the usefulness of templates/prototypes; and concern that people simply don't want to be landlords.

**Question 6: What should the City do to increase housing production and make Piedmont a welcoming and inclusive place to live to a more diverse range of household income levels (e.g., land acquisition, rehabilitation/conversion, housing funds, fees, credits, streamlined approvals, parking requirements, ownership programs, etc.)?**

Interviewees' ideas, strategies, and concerns are described below:

- **Revisit development standards and regulations.** Consider changes to density, height, setbacks, lot size and/or parking to make construction more feasible. Specifically, reduced minimum lot sizes were recommended to encourage lot splits.
- **Rezoning.** Re-zone some areas from single-family residential or estate residential to a zone that supports multi-family and residential mixed-use development.<sup>1</sup>
- **Conversions.** Allow houses to be divided into multiplex structures, either as condos or rentals. Amend definitions to ensure these are allowed.
- **Acquisition.** The City should consider acquiring existing single-family homes to rehabilitation and conversion into multi-unit structures. The City should also consider acquiring land on Grand Avenue or elsewhere and partnering with non-profit housing developers to build affordable units.
- **Deed restrictions.** Use deed restrictions to ensure long-term affordability.
- **Funds.** The City should consider strategies to fund affordable housing including establishing a City fund for housing ownership support and subsidies and using Measure A-1 funds.
- **Messaging.** The City should work on messaging to the community. The City should correct misconceptions about affordable housing leading to lower property values or increased crime; frame the discussion in terms of needs for teachers, City staff, and first responders; and demonstrate the benefits of conversions of large homes into multi-unit structures. There also needs to be a change in perception that the planning process is difficult.

<sup>1</sup> Section 9.02 of the Charter of the City of Piedmont: The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote at a general or special election. No zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof; provided that any property which is zoned for uses other than or in addition to a single family dwelling may be voluntarily rezoned by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the only use on such property shall be a single-family dwelling, and such rezoning shall not require a vote of the electors as set forth above.

- **Opportunity areas.** Suggested opportunity areas for affordable housing included the Linda Avenue tennis courts; the Shell station; the Ace Hardware site; the Mulberry's/Citibank site; the B of A; the gas station on Highland Way and Highland Ave; the Kehilla synagogue lot; underutilized open spaces; Blair Park; and deep lots along Moraga (for ADUs specifically).

One participant objected to the question, stating that the City should engage in litigation rather than strive to meet its Regional Housing Needs Allocation.

**Question 7: Are there other issues we have not covered that you feel are important for us to consider?**

Less than half (a total of 10 respondents) provided a response to this question. Responses that were not directly relevant to other questions included:

- Consider creating more one-way/fewer two-way streets to ease parking problems.
- Most houses don't have garages/on-site parking, and those that do use garages for storage.
- Parking that is tied to the number of bedrooms can cause problems.
- It would be nice to have one-story homes for accessibility.
- Parking enforcement is needed.
- Are there concerns with overbuilding in the era of COVID?

**Question 8: If we have additional questions, may we contact you?**

Every person that participated in the interviews agreed to answer more questions or provide more information to the project team. Many saying, "call me any time," or "call or email me for anything you need."

## GUIDING PRINCIPLES

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# Piedmont is Home: SB2 Fair Housing Guiding Principles

Attachment A

Page 15 of 25

**Draft**

LWC

- 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.

## APPENDIX

### City of Piedmont Objective Design Standards and ADU Plans and Incentives Stakeholder Interview Questions

Name:

Day:

Time:

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**OBJECTIVES OF PROJECT:** Revise code to be legally compliant, objective, and easy to use. Assure code supports feasible and high-quality residential development (multi-family, residential mixed-use, and ADUs). Develop recommendations for the upcoming Housing Element; Implement community vision.

**OBJECTIVE OF THE INTERVIEWS:** Hear your perspective, as a code-user/person knowledgeable about the City. Help the consultant team understand the highest priority issues from the perspective of the community. Inform the community of the project timeline and opportunities for participation.

**CONFIDENTIALITY:** All results will be reported in aggregate form where no comment can be attributed to an individual. Your participation is completely voluntary. You can stop the interview at any time.

**QUESTIONS:** We'll ask 8 questions. Please note, there are no right or wrong answers. You will not be judged on your responses. Please answer each question as sincerely as you can. The interview should take about 25 minutes. We appreciate your input.

1. What is your relationship with the City of Piedmont (Council, Commission, property owner, resident, business owner/operator, advocate, non-profit organization, neighborhood organization, concerned/interested citizen)?
  
2. In your opinion, which residential buildings or blocks in the Grand Avenue area or the Highland Avenue area best represent the Piedmont aesthetic? (Name 3)
  
3. In your opinion, do the current zoning standards and design guidelines for multi-family and mixed-use development encourage development that expresses the most valuable characteristics of the City's neighborhoods? (Yes, No, Unsure, Explain)



## Attachment B

General Plan Housing Element Goals, Policies, and Actions

The SB 2 Planning Grants Program application prepared by staff is consistent with the following General Plan Housing Element goals, policies, and actions:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Policy 1.2: Housing diversity – Continue to maintain planning, zoning, and building regulations that accommodate the development of housing for all income levels.

Policy 1.4: Context-appropriate programs – Participate in those state and federal housing assistance programs that are most appropriate to Piedmont’s character and that recognize the unique nature of affordable housing opportunities in the City.

Policy 1.5 – Second units – Continue to allow second units (in-law apartments) “by right” in all residential zones within the City, subject to dimensional and size requirements, parking standards, and an owner-occupancy requirements for either the primary or secondary unit. Local standards for second units may address neighborhood compatibility, public safety, and other issues but should not be so onerous as to preclude the development of additional units.

Policy 1.6: Second units in new or expanded homes – Strongly encourage the inclusion of second units when new homes are built and when existing homes are expanded.

Policy 1.7: Housing in commercial districts – Ensure that local zoning regulations accommodate multi-family residential uses on commercial properties in the City, including the addition of apartment to existing commercial buildings.

Policy 1.10: Intergovernmental coordination – Coordinate local housing efforts with the California Department of Housing and Community Development, the County of Alameda, and adjacent cities. Where City-sponsored housing programs are infeasible due to limited local resources, explore the feasibility of participating in programs initiated by other jurisdictions.

Action 1.C: Market-rate second unit production – Maintain zoning regulations that support the development of market-rate second units in Piedmont neighborhoods.

Action 1.E.: Allowing multi-family housing and mixed-use in in the Commercial Zone – Amend the Piedmont Zoning Ordinance to add multiple family housing and mixed-use development to the list of conditionally permitted uses in the Commercial Zone (Zone D).

Action 1.G: Facilitating multi-family development – Develop incentives which would facilitate multi-family development on land zone for multi-family or commercial uses in Piedmont, including modifications to lot coverage requirements for multi-family uses in Zones C and D, and modifications to permitted and conditionally permitted use requirements for Zones C and D. The City will also consider potential ways to streamline environmental review in the event future multi-family uses are proposed in these areas.

Action 2.E: Streamlining design review – Conduct a Planning Commission study session to identify steps that might be taken to expedite and improve the design review process. Following this session, develop amendments to the Design Review process consistent with Action 28.C of the General Plan (Design and Preservation Element).

Action 2.F: Update Design Review Guidelines – Update the 1988 City of Piedmont Residential Design Guidelines consistent with Action 28.E of the Piedmont General Plan.

Goal 7: Equal access to housing – Ensure that all persons have equal access to housing opportunities in Piedmont.

Policy 7.1: Housing choice – Promote the development of housing for all persons regardless of race, religion, ethnic background, or other arbitrary factors.

Policy 7.3: Fair housing enforcement – Implement and enforce relevant State and federal fair housing laws.

Action 5.A: Shared housing program – Consider participating in ECHO Housing’s shared housing program as a way to improve housing opportunities for lower income seniors and extremely low income households.

Action 5.C: Assistance to non-profit developers – Provide assistance to non-profit entities interested in developing housing for low and moderate income Piedmont residents, including elderly and others with special needs.

Action 5.H: Faith Community participation – Work with local faith community to serve residents in need within Piedmont and the greater East Bay, and to identify potential partners for meeting local extremely low income housing needs.

Action 5.I: Second units for extremely-low income households – Maintain an inventory of second units that are available at rents that are affordable to extremely low income households. Explore ways to expand this inventory and encourage the development of additional extremely low income second units through the City’s affordable second unit program and other means.

Action 5.J: Housing for extremely low income families – Develop incentives to meet the needs of Piedmont’s extremely low income households potentially including modified development standards for new multi-family buildings that include units for extremely low income families.

Dear Chair and Members of the Housing Advisory Committee,

I am writing to offer feedback on the Fair Housing Guiding Principles that the HAC considered at its meeting on May 19, 2021. Adoption of these Guiding Principles present an excellent opportunity for the City to apply an anti-racism lens and promote inclusion and equity, consistent with the City's resolution rejecting racism adopted last August.

In its effort to promote inclusion and equity, I think it is important for the City to do two things with respect to these Guiding Principles: (1) do our best to avoid language that can foreseeably be used to object to inclusive, affordable housing development; and (2) reiterate at every reasonable opportunity our commitment to promoting inclusion and equity, so as to avoid any uncertainty as to the City's intentions.

It is inevitable that there will be those in the community who oppose the development of affordable housing here. And there are often well-intentioned and innocent-sounding phrases that opponents of diversity and affordable housing can latch onto and use to gain support for their opposition. Which is why, when I read this [recent SF Chronicle article about such objections in Livermore](#), a quote in that article caused me to reflect on the Guiding Principles under consideration by the HAC. In that article, a Livermore Planning Commissioner was quoted as saying: "I really don't want to see the downtown become a ghetto of affordable housing. I think it should be distributed throughout the city and if we see high-density housing downtown, it should be market rate with maybe 20% affordable rather than entirely affordable." The use of the term "ghetto" in first sentence of this quote was appalling and deservedly generated strong criticism, leading to an apology, and thankfully the City of Livermore did subsequently vote to approve the project. But it was the second sentence using the phrase "distributed throughout the City" as a rationale to oppose an affordable housing development which caught my attention. Creating housing that is affordable to low-income people usually requires that such housing developments be 100% affordable to obtain necessary subsidies to make them financially feasible. So while it may sound innocent enough to advocate for affordable housing to be "distributed throughout the City" in fact this type of argument is often used to object to any 100% affordable multifamily housing, and de facto, to object to the only kind of affordable rental housing development that could actually get built.

The language of Guiding Principle #1, to "Support equitable distribution of affordable units across the City," sounds uncomfortably familiar to those arguments often made in opposition of affordable multifamily housing. While the language that follows the first sentence of this guiding principle is admirable, in order to make sure it isn't turned on its head to oppose new affordable housing development, I think it is very important to add a fifth principle affirming the need for proactive efforts to redress Piedmont's history of exclusion and create a more inclusive community, as Irene Cheng suggested.

Guiding Principle #2 has some potentially problematic language, specifically the reference to ensuring that new construction "fits in." I thought the discussion at the May 19 HAC meeting with real-time polling around design standards was excellent, and demonstrated that new buildings need not be "the same" to be attractive; I think Guiding Principle #2 could be improved by eliminating the use of "fits in" and maybe instead say "complements or enhances the

neighborhood,” because the challenge is embracing and guiding the change that needs to happen, rather than keeping things the same.

In Guiding Principle #4, I agree with the broad principle of supporting community partnership, but I am concerned about the language of “reaching community consensus for desired development types.” I have already seen in the Piedmont discourse a comment that “apartments are undesirable.” If this principle is intended to be only about the development of objective design standards for multifamily housing, then I would suggest saying so directly (. . . “consensus for object design standards for multifamily housing”). Otherwise, I would suggest eliminating that phrase, as I don't think we will achieve consensus regard desired development types. We can seek to build consensus, but at the end of the day, if we can't reach consensus to build a more equitable, diverse and inclusive community, it is the responsibility of our community leaders to stand up against those resisting such change, and give voice to those who are under-represented and excluded.

Thank you for considering these proposed changes to the Guiding Principles, and for your thoughtful service to the Piedmont community.

Deb Leland



## Feedback on SB2 Guiding Principles

irene cheng [REDACTED]

Thu, May 20, 2021 at 10:00 PM

To: piedmontishome@piedmont.ca.gov

Cc: citycouncil@piedmont.ca.gov, Piedmont Racial Equity Campaign <piedmontraciaequity@gmail.com>

Dear Members of the Piedmont Housing Advisory Committee and City Council:

Thank you for conducting such an informative and rich discussion at the May 19 Housing Advisory Committee meeting. As requested at that meeting, we are writing on behalf of the Piedmont Racial Equity Campaign (PREC) Housing Committee to offer feedback regarding the SB2 Guiding Principles. We have four suggested revisions:

- **Regarding Guiding Principle 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"~~ is sensitive to the neighborhood 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. At the same time, the City embraces that neighborhoods and building standards will evolve and change over time. Each building must exhibit high-quality design and play a role in creating a better whole."*

While we understand the desire for contextualism, we'd like to see this balanced with language that also embraces that neighborhoods will change. The wording "fit in" is vague and evokes homogeneity and stasis. What the state is asking communities like Piedmont to do is operate differently than in the past and to build more housing. Communities can grow, buildings can look different, and still be well designed and beautiful. By continually insisting that things remain the same without also acknowledging the need for change, we are hampering our ability to create more diverse and inclusive housing, and we are setting ourselves up for failure to meet the goals of the next Housing Element.

- **Regarding Guiding Principle 3:**

*"Remove barriers to development ~~and access to~~ of affordable housing through a clear and objective zoning code standards. Development standards and procedures should guide housing development that is equitable and feasible and ~~that should~~ lead applicants through a planning application process procedures that ~~are is~~ transparent and predictable."*

These small adjustments to the wording emphasize that the city's priority is on affordable housing and facilitating the development of affordable housing through transparent processes and an objective zoning code rather than a more subjective set of design "standards."

- **Regarding Guiding Principle 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~~ working with the community to develop strategies for City-facilitated development of housing units for a range of income levels.*

We recommend strengthening the language in Guiding Principle 4 to be more proactive and assertive. We must go beyond “beginning a community discussion” and commit to accomplishing these important tasks.

- **Add a 5th Guiding Principle:**

*“Redress Piedmont’s history of exclusionary housing policy through proactive efforts to affirmatively further fair housing and to create a more inclusive, diverse, and equitable community.”*

We believe it’s important for the city’s guiding principles around multifamily housing and accessory dwelling units to support the goal of affirmatively furthering fair housing. Planning for ADUs and multifamily housing can play an important role in redressing historic and ongoing patterns of residential segregation in Piedmont.

Thank you for considering the above suggestions.

Yours truly,

Irene Cheng and Sarah Karlinsky

On behalf of the Piedmont Racial Equity Campaign Housing Committee

**From:** Randolph Wu <rlwu@sbcglobal.net>  
**Sent:** Monday, June 07, 2021 8:49 AM  
**To:** [REDACTED]  
**Cc:** Piedmont Is Home  
**Subject:** Fw: May 3, 2021 Agenda Item #5 - Consulting Agreement LWC

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

Chair Batra and Committee Members Catalano, Lin, Osler and Parisa,

In response to Chair Batra's request for email comments on the Guiding Principles to be proposed to the City Council I am suggesting an additional Guiding Principle:

**"Implementation of State Law.** The City will implement in good faith all state laws supporting affordable housing including streamlined permitting, density bonuses, energy efficiency and on-site renewable generation."

As some residents have suggested that the City should contest the 587 units housing goal that is mandated for Piedmont, I believe it is important for HAC, the Planning Commission and the City Council to affirm that it will implement all state laws that support affordable housing. As explained below in the attached May 2, 2021 email to the City Council you will see that I believe Piedmont has not yet complied with the Density Bonus Law enacted as Government Code 65915.

As housing experts the HAC knows more about this law than I do, but it is clear to me as an attorney that Piedmont's selective acknowledgement of the Density Bonus Law in the current zoning code does not comply with Government Code 65915.

With the help of LWC's advice on Task 9.1 - implementing the Density Bonus Law on parking lots at "religious institutions" - Piedmont can bring Chapter 17 into conformance with this state law for the first time.

I hope you will agree with me that for the City to propose a credible plan that includes affordable housing, good faith implementation of state law is a critical Guiding Principle that should be followed by the HAC, the Planning Commission and the City Council.

Thank for your consideration of this suggestion and your time volunteering for the community!

Randy Wu  
130 York Drive

*Attachment.*

**From:** Randolph Wu [REDACTED] >  
**To:** Teddy King <[tking@piedmont.ca.gov](mailto:tking@piedmont.ca.gov)>; Tim Rood <[trood@piedmont.ca.gov](mailto:trood@piedmont.ca.gov)>; Jen Cavanaugh <[jcavanaugh@piedmont.ca.gov](mailto:jcavanaugh@piedmont.ca.gov)>; Betsy Andersen <[bandersen@piedmont.ca.gov](mailto:bandersen@piedmont.ca.gov)>; Conna McCarthy <[cmccarthy@piedmont.ca.gov](mailto:cmccarthy@piedmont.ca.gov)>; [cityclerk@piedmont.ca.gov](mailto:cityclerk@piedmont.ca.gov) <[cityclerk@piedmont.ca.gov](mailto:cityclerk@piedmont.ca.gov)>  
**Sent:** Sunday, May 2, 2021, 11:34:22 AM PDT  
**Subject:** May 3, 2021 Agenda Item #5 - Consulting Agreement LWC

Dear Mayor King and Council members Rood, Cavanaugh, Andersen and McCarthy,

I have commented before at a prior City Council meeting that Piedmont needs to adopt clearer rules for the development of affordable housing as required under the Density Bonus Law - Government Code 65915. I therefore am encouraged to see that Task 9.1 at pg. 37 of the staff report requires LWC to help the City figure out how to enable "religious institutions" to use the Density Bonus Law without being required to restore parking spaces that might be used for an affordable housing project. Task 9.1 provides that: "LWC will also draft policies to facilitate implementation of AB 1851." AB 1851 (Wicks) is a refinement of the Density Bonus Law and only applies to "religious institutions" that have qualifying affordable housing projects under Government Code 65915.

To my knowledge Piedmont has never implemented the Density Bonus Law, and I believe Chapter 17 does not yet comply with this state law.

Chapter 17 contains the following brief references to this important state law:

17.24.020(B) provides in part the following:

"The Planning Commission will grant a density bonus for affordable housing in accordance with Government Code section 65915. A multi-family residential project that incorporates affordable units is also eligible for a 20% reduction in planning application fees."

17.26.030(E) provides in part the following:

"When affordable housing is provided, the Planning Commission will grant a density bonus in accordance with Government Code section 65915."

The above one-two sentences acknowledge the Density Bonus Law in Zone C: Multi-family Residential and Zone D: Commercial and Mixed Use. This state law is not acknowledged in Zones A, B and E. As you no doubt are aware more than 99% of Piedmont's land is in Zones A, B and E; Chapter 17 acknowledges the Density Bonus Law for less than 1% of Piedmont's land.

To fully comply with state law Piedmont should adopt a Density Bonus Ordinance that applies to all five of its zones not just two. This ordinance should include (1) guidelines for the application process, (2) up to four (4) incentives and concessions that an applicant may claim, (3) zoning waivers that Piedmont will grant for higher density housing projects that otherwise would be infeasible due to zoning restrictions and (4) the minimum densities that Piedmont will grant to qualifying affordable housing projects. All of these important rules are required under state law to be spelled out in a city ordinance. Chapter 17's brief one-two sentence acknowledgement as shown above does not yet meet either the letter or the intent of the Density Bonus Law.

Drafting of a Density Bonus Ordinance should not increase the \$700,000 requested budget allocation for LWC because all other cities in Alameda County already have adopted density bonus ordinances that comply with Government Code 65915. These can easily be used as models for Piedmont. I believe Piedmont should consider adopting an ordinance that reflects not only its own community values but the simple fact that land available in Piedmont is very limited and likely will require density bonuses above the state minimums. With the addition of the Housing Advisory Committee to the Planning Commission and an expanded LWC contract, drafting of a Density Bonus Ordinance for the City Council to consider is not a monumental task. But it does require time to adopt a new zoning ordinance as the City Council has done recently for ADUs and the Reach Codes.

I strongly recommend that LWC's Task 9.1 be clarified to include not only policy but the drafting of a proposed Density Bonus Ordinance that may be adopted by the City Council before the next Housing Element Plan begins on January 1, 2023.

Nearly 60% of the proposed 587 housing units goal for Piedmont's next Housing Element Plan is for affordable housing units. Above moderate income units or market rate units are just 40% of the total goal. A well considered Density Bonus Ordinance is an important next step not only for the "religious institutions" that have parking lots available for affordable housing but for all other property owners that have sites within Piedmont's five zones that may support new housing.

Thank you for consideration of my comments.

Randy Wu  
130 York Drive