

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: August 17, 2020

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Receipt of a Report on the 2023-2031 Housing Element and Regional Housing Needs Allocation, and Consideration of Communication with ABAG/MTC Regarding the Methodology for the Regional Housing Needs Allocation

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RECOMMENDATION

1. Receive an informational report on the 2023-2031 City of Piedmont General Plan Housing Element and the Regional Housing Needs Allocation (RHNA) process.
2. Authorize the Mayor and/or City Administrator to submit letters to ABAG/MTC providing comments on the methodology determining the Regional Housing Needs Allocation (RHNA).

EXECUTIVE SUMMARY

Like all cities and counties in California, Piedmont is required to prepare a General Plan Housing Element every eight years. All Bay Area jurisdictions must adopt their 2023-2031 Elements by January 2023. The Housing Element must demonstrate that each jurisdiction can accommodate its “fair share” of the region’s housing needs and is working to meet those needs through its policies and programs. The City’s fair share is determined by the Association of Bay Area Governments (ABAG) through a process called the Regional Housing Needs Allocation (RHNA). Staff has been advised that the Piedmont RHNA for 2023-2031 will be significantly larger than it was during the previous 2015-2023 RHNA cycle. The Council will receive an informational report on the RHNA process, anticipated allocations for Piedmont, and the potential consequences of a substantially increased housing assignment.

BACKGROUND

California law requires that each city and county adopt a General Plan guiding their future growth, conservation, and development. The Government Code identifies seven mandatory plan “elements,” including housing. The Housing Element is the only part of the General Plan that must be submitted to the State for certification, a process that is performed by the State Department of Housing and Community Development (HCD). Cities without certified Housing

Elements face negative consequences, including limited access to State funding and increased vulnerability to costly lawsuits, penalties, and court injunctions.

Each Housing Element must meet specific Government Code requirements. These include:

- an evaluation of the community’s success in implementing its prior element;
- an assessment of housing needs, based on demographic data, housing conditions, and real estate market data;
- an assessment of housing opportunities, in other words, locations in the jurisdiction where housing can be built, including sites appropriate for low- and very low-income units;
- an assessment of housing constraints, including zoning, design review, public processes, fees, infrastructure, and similar factors that impact housing costs and feasibility;
- housing goals, objectives, and policies; and
- an implementation program with specific actions to be taken to implement the policies during the planning period.

Piedmont’s current Housing Element was adopted on December 1, 2014 and was certified by the State prior to the January 31, 2015 deadline. The planning period for that Element was January 31, 2015 through January 31, 2023. Staff anticipates that work on the 2023-2031 Housing Element will begin in 2021 and continue through the end of 2022. The new Element will respond to new State housing laws, updated demographic and housing data, market conditions, emerging issues, and community input.

The driving force behind each community’s Housing Element is the Regional Housing Needs Allocation (RHNA). The RHNA process has been in effect since 1969, when the State legislature mandated that all communities do their fair share to meet California’s housing needs, regardless of income. The process has evolved over the last 50 years, with an increasing focus on factors such as equity and sustainability.

The RHNA process begins at the State level. California HCD determines the projected housing need over an eight-year period for each region in California, including the nine-county Bay Area. The need for each region is broken down into four income categories, ensuring that housing is constructed for persons of all economic means. It is then up to ABAG to disaggregate the RHNA to the nine counties and 101 cities that comprise the Bay Area. This is done with the guidance of a 37-member “Housing Methodology Committee” (HMC) comprised of staff, local elected officials, and stakeholders from jurisdictions around the region.

The regional housing need for the current (2015-2023) planning period is 187,990 units. On June 9, 2020, HCD notified ABAG that the allocation for the upcoming (2023-2031) period will be 441,176 units. The allocation by income group (including percent of the total) is as follows:

Very low income households	114,442 (25.9%)
Low income households	65,892 (14.9%)
Moderate income households	72,712 (16.5%)
Above moderate income households	188,130 (42.6%)

The assignment for the next planning period is 2.35 times higher than the current period. This reflects the prolonged and sustained effects of Bay Area jobs growing at a faster rate than housing for the last eight years, and the growing affordability gap among Bay Area households. The percentage allocation of the RHNA among the four income groups is approximately the same in 2023-2031 as it was in 2015-2023.<sup>1</sup>

The allocation of the 441,176 units to individual Bay Area jurisdictions is now underway. Piedmont city staff have participated in ABAG meetings, surveys, and webinars, and has been receiving periodic briefings on the work of the HMC through a working group comprised of planners from all 14 cities in Alameda County plus the unincorporated County. The HMC is considering a number of alternative methodologies, each using different weighting factors such as transit access, income, and jobs-housing balance. The methodologies do not consider land supply constraints and local zoning, and several incorporate weighting factors that result in very large allocations for Piedmont.

The draft allocation methodology is expected by the Fall of 2020 and the final allocation methodology is expected by Spring 2021. Draft allocations will be made to each City and County at that time. This will be followed by a public comment and appeal period, which will occur during Summer 2021. ABAG expects the RHNA for each jurisdiction to be finalized by the end of 2021.

Piedmont recognizes the important role that each jurisdiction in California has in accelerating housing production to address the housing crisis, and Piedmont is poised to develop local solutions through its SB 2 and LEAP planning projects. The expected increase in the RHNA will be a challenge for Piedmont given the City's built-out character and lack of vacant land. This challenge is exacerbated by new State rules for what constitutes an acceptable "housing opportunity site." Currently, opportunity sites must be listed in each community's housing element, with considerable detail on their characteristics (including Assessor Parcel Number, size, zoning, infrastructure constraints, environmental constraints, potential number of housing units, etc.).

The new rules make it more difficult to "carry over" opportunity sites from the prior inventory unless those sites can be developed "by right" (without discretionary review) at a density of at least 20 units per acre.<sup>2</sup> The new rules also make it more difficult to count sites that are smaller than 21,780 square feet (e.g., one-half acre) as suitable for affordable housing. Finally, cities that rely on non-vacant sites to meet more than half of their lower-income housing needs must treat the existing uses on those sites as "constraints" to housing development.

The rules are intended to encourage cities to provide additional sites suitable for higher density housing, recognizing that higher densities are usually necessary to achieve housing affordability. Thus far in the 2015-2023 Housing Element cycle, Bay Area jurisdictions have met 126% of the

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<sup>1</sup> The definition of each income category is updated annually and varies with household size. In 2020, a household of four in Alameda County earning less than \$104,800 a year was considered "low-income." A household of four earning less than \$62,250 was considered "very low income."

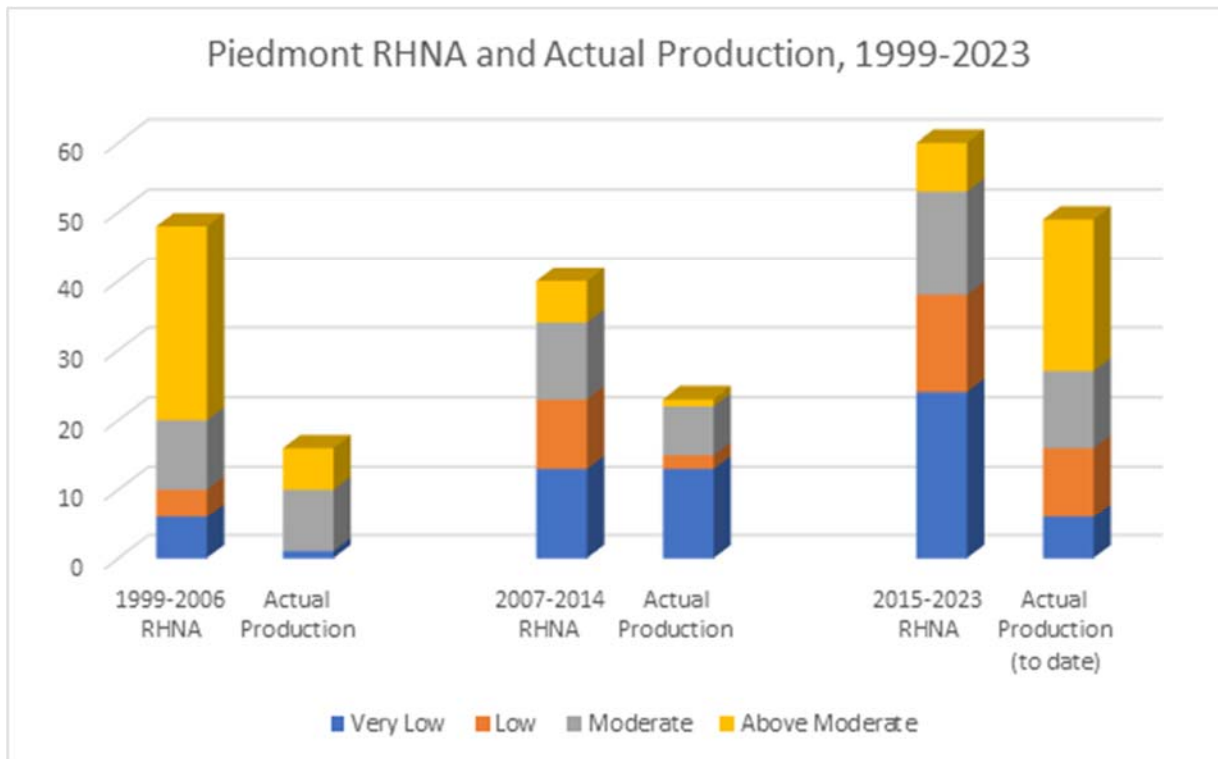
<sup>2</sup> This rule applies to cities with fewer than 25,000 residents. In cities with more than 25,000 residents, the "default density" is 30 units per acre.

need for above moderate-income housing but only 15% of the need for low- and very low-income housing. As of 2019, in Piedmont, six out of 24 very low-income housing units required by the RHNA have been constructed; 10 of the 14 low-income housing units have been constructed; and 11 of the 15 moderate-income units have been constructed. All of these were accessory dwelling units (ADUs). In addition, 22 above moderate-income units have been constructed. The cumulative addition of 49 units represents 82% of the City’s RHNA for 2015-2023, although construction of lower income units has lagged.

Several other new state laws will impact the next Housing Element. These include new housing requirements for high resource areas and required plans to affirmatively further fair housing pursuant to AB 686.

ANALYSIS

Chart 1 shows the RHNA for the last three Housing Element cycles for Piedmont. The City’s allocation declined from 49 units in the 1999-2006 cycle to 40 units in the 2007-2014 cycle, and then increased to 60 units in the 2015-2023 cycle. The percentage of the RHNA associated with low- and very low-income housing increased substantially with each cycle. Low- and very low-income units represented 18% of the City’s assignment in 1999-2006 and 63% of the City’s assignment in 2015-2023. This reflects a greater emphasis in the methodology on distributing the region’s housing needs more equitably across communities.



As noted earlier, some of the methodologies now being considered for the 2023-2031 RHNA result in vastly higher assignments for Piedmont. Given that the total assignment for the region has increased by a factor of 2.35, even a simple pro-rating of the City’s prior RHNA would result

in an increase from 60 units to 141 units. The methodologies under consideration by ABAG could result in as many as 800 units in Piedmont, with approximately half of this total in the low and very low-income categories. For comparison purposes, Piedmont currently has approximately 3,929 existing single-family and ADU housing units and 50 apartments.

In general, the methodologies resulting in the highest allocations for Piedmont are those that use the existing number households as the baseline, rather than the forecasted increase in the number of units (referred to as the “Blueprint” baseline).<sup>3</sup> Methodologies using an “income shift” approach (based on equalizing income distribution across the region) likewise result in higher allocations for Piedmont as well as higher proportions of low and very low income housing as a percentage of the total. Other factors influencing Piedmont’s and other cities’ assignments include the weighting factors assigned to equity, jobs, proximity to transit, and hazards.

The City recognizes its obligation to provide housing for all members of the community and to respond to the statewide housing crisis. An assignment of 800 units for Piedmont would be extremely problematic if not impossible. As a benchmark for comparison, the City has been growing at the rate of approximately 30 units per decade for the last 40 years.

Piedmont’s land supply consists of approximately 60 vacant single family residential lots scattered across the city. Many of these lots are constrained by slope, access limitations, or site dimensions that hinder construction. There are also a number of developed lots that could potentially be split to create additional single family home sites. The City has 27 parcels in its multi-family zoning district (Zone C), but all are fully developed. There are also 18 parcels in the commercial district (Zone D) and again, all are developed. The 2015-2023 Housing Element determined that Zone D had the potential for just six housing units, as market conditions did not appear to support redevelopment of existing uses.

In total, the City’s current capacity is estimated to be roughly 100 housing units. In the event the City receives an allocation in the range of 100 to 200 units for the next Housing Element, the site inventory will likely need to be expanded, including, but not limited, to:

- Some of the underutilized properties in Zone “C” (the multi-family zone);
- Most of the sites in Zone “D” (presuming multi-family units above ground floor commercial space on almost all sites in this zoning district), with new development incentives; and
- New incentives for accessory dwelling units (ADUs), particularly ADUs that are rent-restricted to low- and very low-income households.

If the City receives an allocation that exceeds 200 units, more aggressive measures will need to be considered. These would be developed collaboratively with the community through workshops and opinion surveys conducted as part of the Housing Element Update, and through work to be completed under the SB 2 and LEAP grants, recently requested by the City. The City would need to analyze all possible development scenarios, including, but not limited to, the following examples. The City could explore identifying new housing opportunity sites on

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<sup>3</sup> “Blueprint” is the foundational document for Plan Bay Area 2050 and expresses themes and strategies for the nine-county region’s future.

additional vacant or “underutilized” sites not currently used for housing; develop new provisions to allow the division of existing homes into multiple housing units; allow development of housing on City-owned public land; amend zoning to allow taller buildings along Grand Avenue and in the Civic Center; possibly rezone single-family sites to multi-family or mixed use; establish a City housing and land trust fund for the acquisition of land and buildings for affordable housing; allow smaller lot sizes; allow larger permitted floor areas on small lots; and other possible solutions to be suggested by residents through a community engagement process. Some of these measures would likely require a citywide vote to rezone land and could be quite controversial.

Another option would be for the City to pursue the possibility of developing one or more formal agreements to “transfer” a portion of its assignment to another jurisdiction that has available land. This would likely require a local payment or transfer of the City’s share of Measure A1 bond monies to the receiving jurisdiction. The mechanics of a transfer have not yet been explored; the current focus is on advocating for a Piedmont RHNA that is realistic, fair, and attainable.

### PLANNING COMMISSION DISCUSSION

During its regular meeting of August 10, 2020, the Piedmont Planning Commission received a similar report on the RHNA process. The Commission provided the following comments:

1. ABAG growth projections are likely to be affected by the COVID-19 pandemic, by the number of companies that will operate with remote employees, and by the employees that will leave the area temporarily or permanently, for at least the next 5 years.
2. Proposition 13 has a freezing effect on the sale and availability of single-family homes because residents choose to hold onto these properties to retain the tax benefit. ABAG methodologies should take this into consideration.
3. City staff should hold discussions with ABAG along with other communities that have the same small size, limited land, and other constraints.
4. City staff should work with ABAG to develop an allocation that is feasible and meaningful because a very high allocation cannot be planned for, due to impossible targets.
5. Consider requesting an exception from ABAG due to topographical constraints, lack of access, and the lack of land.

Correspondence was received from Piedmont resident Rajeev Bhatia, who is a principal in the planning and urban design firm, Dyett & Bhatia. Mr. Bhatia noted the City’s responsibilities under housing element law and the types of new affordable housing that are needed in the community. Mr. Bhatia noted that the possible RHNA for Piedmont should be changed to take into account the small number of employers in Piedmont, the limited commercial land, and the high fire risk present in many parts of the City, and he urged the City to work with ABAG to correct problems in the draft methodologies.

Public testimony was received from Irene Cheng, Co-chair of the Racial Equity Campaign of the Piedmont Appreciating Diversity Committee. Ms. Cheng urged the Planning Commission to have an open-mind about new housing and to not assume that everyone in Piedmont is happy with the status quo. Ms. Cheng suggested changes to Piedmont zoning and urged the City to align its interests with other communities carefully.

### FEEDBACK TO ABAG/MTC REGARDING RHNA METHODOLOGY

Staff recommends that the City Council authorize the Mayor or City Administrator to review and submit letters to the ABAG RHNA Methodology Committee and ABAG Executive Board on behalf of the City commenting on the methodology and correcting possible errors in the models used by the agency to forecast growth. Correspondence from the City could include the following general points and substantiating information:

1. The City of Piedmont respects and appreciates the work of ABAG in planning for an inclusive, sustainable, and economically strong Bay Area Region. The City looks forward to an allocation that is fair, realistic, and effectively achieves regional housing goals.
2. The City of Piedmont as an organization and as a small and diverse community of intelligent, open-minded, and caring people is committed to increasing the supply of housing in Piedmont and the variety of housing types, including more affordable housing, to continue to be a vibrant place to live.
3. The proposed methodology should have controls for extreme results such as increases of over 300% compared to prior RHNA cycles because extreme growth pressures can have unintended impacts to any community and the methodology must be credible to be useful for planning purposes.
4. The proposed methodology should have controls for existing hazards such as steep hillsides, narrow roadways, and landslide, liquefaction, flood and fire zones that can make acres of land within a jurisdiction unsuitable for high-density housing, such as apartments and condominiums.
5. The proposed methodology should have some adjustment for the scarcity of available land and the very high cost of the land that results from that scarcity in supply.
6. The proposed methodology should not use a model that bases housing responsibility on existing or projected number of households, but should instead focus on the increment of job and housing growth forecast for each community in Plan Bay Area 2050.
7. ABAG and MTC staff should confirm the accuracy of the model and housing methodology with City staff, and ABAG and MTC staff should share all of the sources of the inputs used to model growth for the Community, such as projected 2050 households.
8. The methodology should not worsen the jobs-housing imbalances in cities with ratios that are already far below the regional average. Piedmont has approximately 650 to 1,600 jobs and 4,000 households—a jobs/housing ratio of just 0.4 maximum, compared to a regional average of 1.48. According to the Piedmont General Plan, the City expects to add just 20 jobs over the next 15 years. Adding high numbers of new housing units will make this imbalance worse.

9. Piedmont has worked hard to meet its prior RHNA through innovative programs aimed at accessory dwelling unit (ADU) production. The City was one of the first in the Bay Area to provide incentives for rent-restricted ADUs serving very low income residents. Piedmont was also one of the few Bay Area cities to entirely meet its RHNA requirement for very low-income households during the last (2007-2014) cycle. Changes to state law undermined the City's program by removing the incentive to deed-restrict affordable rents in exchange for a waiver of parking or unit size requirements. Piedmont will find new incentives for deed-restricted ADUs through its SB 2 housing programs project.

### NEXT STEPS

Piedmont City staff continues to participate in the housing allocation process. As appropriate, the City may submit letters to ABAG and the Housing Methodology Committee expressing support for (or opposition to) particular methodologies or outcomes. Letters that are signed by decision-makers and that express the intent of the City Council are the most effective. Letters co-signed by multiple cities with shared interests also could be considered. There are at least a dozen other cities facing the same outcomes as Piedmont. Once the Draft Allocations are made, there is also a formal appeals process. During the last cycle, only three jurisdictions that appealed their allocations were successful.<sup>4</sup>

Staff will provide updates to the City Council as the process moves forward. This will include a follow-up report to the Council once the preliminary RHNA assignment is made, including options to consider in the event the City's assignment is unrealistically high.

By: Kevin Jackson, Planning & Building Director  
 Pierce Macdonald-Powell, Senior Planner  
 Barry Miller, Planning Consultant

### RELATED DOCUMENTS

Additional information on the RHNA process may be found at the links below:

- A. [ABAG/MTC RHNA website](#)
- B. [Housing Methodology Committee website](#)

The adopted 2015-2023 Housing Element may be found [here](#).

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<sup>4</sup> The three cities were Hayward, Lafayette, and Sunnyvale. ABAG also approved the transfer of 200 units from Palo Alto to Santa Clara County during the 2015-2023 cycle. Piedmont appealed its 1999-2006 allocation during the 3<sup>rd</sup> Cycle Housing Element, but the appeal was denied. The City did not appeal its 2007-2014 or 2015-2023 allocations and went on to receive a certified Housing Element in both cases.



**Item #4 – Housing Element Report & Communication Authorization**  
**Correspondence Received before 4:00 p.m. on Monday, August 17, 2020**

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Dear City Council Members:

I attended the last Planning Commission meeting, at which Barry Miller presented on the upcoming Housing Element cycle. I understand this matter will be presented again and discussed at the City Council meeting on Monday.

I am writing to advocate that Piedmont adopt a **pro-housing stance** in relation to the Housing Element and regional housing needs allocation (RHNA). I am a member of the Piedmont Racial Equity Campaign, a group of citizens who are exploring how Piedmont can embrace racial diversity and redress the history of racial discrimination that has shaped the city's housing stock. This is an urgent task in light of the resurgent Black Lives Matter movement and a goal that I hope you share, considering the City Council's admirable recent adoption of an anti-racism resolution. One of the principal ways that I believe the city can work for anti-racism is by dismantling the exclusionary zoning and housing policies that maintain our city's status quo as a majority white and Asian city of single-family residences. **By embracing more diverse housing, we also are embracing more diverse residents.**

I urge the Council to allow the Association of Bay Area Governments (ABAG) to carry out its work, including considering issues of social equity in its housing allocations. As a city, Piedmont should not fight a high RHNA, and we should certainly not--as hinted in the staff report--look for ways to band together with other Bay Area cities (especially other wealthy, majority-white suburbs) to oppose a high RHNA. As a city, I believe we have too long been governed by an ethos of preserving things as they are, and allowed discussions of "quality of life" and "property values" to function as barely veiled code words for upholding racial homogeneity and exclusion. It is high time for us to adopt more progressive policies that embrace diversity and redress racial inequality, including through our housing and zoning policy.

Thank you for your consideration.

Yours truly,  
Irene Cheng

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Dear City Council Members,

I would like to echo Irene Cheng's support for Piedmont adopting a pro-housing stance in both the Housing Element and the RHNA process. As a member of the Piedmont Racial Equity Campaign, we are focused on the relationship between housing policy and racial equity. It is critical for communities such as Piedmont to do their part to address the region's significant housing shortage. As you know, the lack of housing in our region has led to housing prices escalating over decades, pricing families out. The impacts of the housing shortage are more significantly felt by Black people and people of color, who are less likely to be homeowners and less likely to have built intergenerational wealth through homeownership. It is incumbent upon Piedmont to support housing, particularly smaller and more affordable units, in our community. I

strongly support this statement in Irene's letter: **By embracing more diverse housing, we are embracing more diverse residents.**

I urge you to not object to the RHNA allocation process. Instead, Piedmont should be leading the way by showing support for pro-housing policies that foster diversity in our community and our region.

Sincerely,  
Sarah Karlinsky

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I am writing to encourage the City Council to accept the housing allocation provided by ABAGs Regional Housing Needs Allocation, regardless of how high it is. While I recognize that it may be difficult to meet some of the higher expectations for housing in Piedmont (due to the limited amount of land the City controls), I believe that we will benefit as a city for trying to think creatively about how to accommodate additional housing, particularly of below-market rate units. Broadening our housing stock beyond the overwhelmingly dominant single family housing unit and identifying incentives for creating below-market units will allow Piedmont to welcome residents with more diverse backgrounds, better representing the larger community we live in and making a statement that we are a community for everyone. I believe that we can come up with creative ideas for encouraging additional housing development on privately held residential properties as well as publicly owned or empty lots. Let's accept the challenge and see what we can accomplish.

Thanks for your consideration,  
Frances Fisher

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Dear Council Members,

As Piedmont begins planning for the next RHNA/Housing Element, I would like to encourage both elected officials and city staff to work towards helping the city do its fair share in meeting the regional housing need rather than trying to eschew our responsibility. I believe it's time to approach our regional housing shortage and affordability challenge with a creative density solution mindset and to start doing the work of adding more affordable housing to our city's housing landscape.

As we all know, our city has a history of being exclusionary and has implemented racist practices in the past. While these explicitly racist practices, such as redlining, are no longer in effect, not adding more affordable housing creates the same results in keeping our community less racially, socially and economically diverse. Our communities are less vibrant and will not remain viable unless we can offer more housing to all income levels. Like many of my fellow Piedmonters, I have a desire to see and help create a community that supports more equitable and inclusive opportunities including housing more low and moderate income residents, especially people of color.

I look forward to working together to address the housing challenges.

Thank you,

Jill Lindenbaum

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Dear Councilmembers,

I write to urge you to reconsider authorizing staff to send comments to ABAG/MTC contesting the current methodologies used for purposes of this housing element cycle RHNA allocation (Item 4 in today's agenda). In my mind, the fact that the draft RHNA numbers that are being considered for Piedmont represent a sharp increase from previous allocations, perhaps an allocation in the vicinity of 800 units, is not "extremely problematic if not impossible" as the staff report says, but rather, a wonderful opportunity to try to correct some of the inequities that underscore the City's past and present. This is a matter of the greatest importance to the City, the Bay Area, California, and the nation as a whole, and I ask that you take stock, pause, and initiate a robust conversation before taking any position on the matter. I am sure there are many City residents who share my feelings and would like to participate; please do not rush to send any comments right now.

Earlier this month, you unanimously passed a resolution expressing the City's "unequivocal rejection of racism," and directing that the Black Lives Matter flag be flown from the City's buildings during the month of August. That resolution stated that Piedmont "acknowledges, apologizes for, and condemns all racially motivated, discriminatory or exclusionary aspects of the City's history, and deeply regrets the pain or suffering such policies have caused to any person," and committed, among other things, "will review and revise its policies, procedures, ordinances, values, goals, and missions through an anti-racism lens to foster an unbiased and inclusive environment that is free of discrimination, harassment, and negative stereotyping toward any person or group."

Reconsidering the City's history and policies has to include taking a deep look at its planning and zoning laws. In recent years, a consensus has emerged that, under the guise of "neighborhood character," single family zoning has often been just another tool to create and maintain exclusive neighborhoods and discriminate against lower income populations and people of color. Richard Rothstein's *The Color of Law* is perhaps the best-known introduction to this topic, but there are many, many others who have echoed his conclusions and recommendations. (See, for example, American Planning Association, *Is Single-Family Zoning on the Way Out?*, available at <https://www.planning.org/blog/9200166/is-single-family-zoning-on-the-way-out/>; Manville, Monkkonen & Lens, *It's Time to End Single-Family Zoning*, available at <https://www.tandfonline.com/doi/full/10.1080/01944363.2019.1651216>; U.C. Berkeley, Turner Center for Housing Innovation, *Exploring Upzoning as a Toll to Increase California's Housing Supply*, available at <http://upzoning.berkeley.edu>; Haas Institute for a Fair and Inclusive Society, *Roots, Race and Place. A History of Racially Exclusionary Housing in the San Francisco Bay Area*, available at <http://belonging.berkeley.edu>.)

In this context, it behooves us all to rethink our assumptions and consider new options. For example, one assumption that we often hear, and repeat, is that housing supply in Piedmont is constrained by the fact that the City is mostly developed and that there are very few undeveloped parcels. However, housing supply in Piedmont is constrained by zoning. Since its incorporation

in the early 20th century, Piedmont has been an exclusive, majority white city. Throughout, the City has used zoning as a way to reinforce exclusivity and exclude those who were different, more diverse, and created to opportunity to make the City's socio-economic composition more diverse and representative of the broader Bay Area and California community. As has been recently highlighted by several commentators within our community, the case of Sidney Dearing – the first Black person to buy a house in Piedmont many decades ago – was not an aberration, but the result of City policies. Unfortunately many of these have continued practically unchanged since. (See <https://sidneydearing.com>; see also attached research paper that my son Felipe Barandiaran, wrote for his U.S. History class at The College Preparatory School, which discusses other instances of discrimination in Piedmont's history and which he has authorized me to share with you).

Another assumption that we should reassess is that a high RHNA allocation would make the housing / jobs imbalance worse, as the staff report suggests. While that may be technically true, Piedmont is a very small city, located at the heart of the East Bay, and fully surrounded by Oakland. There are many jobs in the immediate vicinity and the City is well served by transportation infrastructure, including transit; the City's boundaries should not be used as a defining unit for purposes of housing / jobs balance considerations, which are meant to lead to sustainable, climate-friendly growth.

In closing, I would request that beyond stating that we reject racism and that "Black Lives Matter," we act accordingly. Rather than opposing the draft RHNA allocation, please consider embracing it. Having these numbers reflected in our Housing Element would create incentives for you, our elected representatives, staff, and the City as a whole, to think creatively and embrace a fair share of the region's housing needs. We should not rely only on ADUs. ADUs are part of the solution, but the housing crisis in our state is so severe that it needs a multi-pronged strategy, one that cannot, and should not, skirt density.

The fact that this may require a vote to remove zoning from our City Charter, should not dissuade us from considering this and other options. Fair housing is a civil right, and fair housing cannot be achieved until we all do our fair share.

Thank you in advance for your consideration,

Andrea Ruiz-Esquide

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Hello,

I am a resident of Piedmont at 44 Wildwood Avenue. I'm writing to urge the City Council to be aggressive in tackling the housing needs that exist in the Bay Area, including by having Piedmont do its fair share as far as allocation of housing needs is concerned.

We all know there is a significant need for more housing in the Bay Area, and that creating more below-market and multi-unit housing is necessary to make the Bay Area more accessible to everyone. Piedmont should do its part by incorporating more housing development into its general plan and allowing zoning from greater density of housing.

I am especially urging you to take decisive action in favor of more housing given the shameful past of redlining and racial exclusion that allowed Piedmont to evolve the way that it has today. By doing its part to create more housing, particularly housing that is accessible to low-income families, Piedmont will at least be doing some small part in trying to rectify those injustices.

Ultimately, even though Piedmont is a geographically small city, it is of course impacted by the communities around it and the affordability crisis that is endemic in the Bay Area and California. That lack of affordability impacts us too, and we can't act like Piedmont doesn't feel the effects of that. I know that there are challenging issues of geography and limited space on which development can take place within the city, but I urge you to take the first steps toward making that development possible by including aggressive housing goals in the general plan.

Thank you,  
Arthur Liou

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Felipe Barandiaran

## Exclusivity as a Means of Exclusion: How Piedmont Became a City of (Mostly) Wealthy White Residents

Piedmont is a small, wealthy, residential city surrounded on all sides by the more socioeconomically diverse city of Oakland. Piedmont is the third wealthiest city in America with a median household income of \$207,000 in 2015, according to USA Today.<sup>1</sup> Oakland, on the other hand, had a median household income of \$53,000 in the same year. These two cities are a model of income disparity in a small geographic area. How did this disparity arise? Is it attributable to the fact these cities are separate? As mass migration to the Bay Area occurred in the twentieth century, the demand for housing greatly increased, spurring government and private housing development. The result was an overall pattern of residential settlement that was largely divided along racial and class distinctions.<sup>2</sup> Many factors gave rise to this segregation, including racial segregation in government housing, extralegal violence, and most importantly in the case of Piedmont and Oakland, the power of a small, elite community to develop policies aimed at enforcing exclusivity. By incorporating as a separate city from Oakland at the outset of the twentieth century, Piedmont ensured its ability to create a community founded on socioeconomic exclusivity and privilege, through the development of only upscale single family housing, city sanctioned racial intimidation, stringent restrictions on commerce, and the creation of an exclusive public school district.

In the twentieth century, California saw major urban demographic changes due to mass migration of laborers from Southern and rural U.S. states to cities to find work, which consolidated patterns of housing segregation on racial and geographic lines. Oakland was founded in 1854, and grew steadily in size and industry. In 1929, The Oakland Tribune referred to Oakland as the “Detroit of the West,” boasting car manufacturing plants, shipyards and essential railroads.<sup>3</sup> Oakland’s black population grew slowly until 1940, but increased

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<sup>1</sup> “The Ten Richest Towns in America,” USA Today, accessed April 15, 2020,

<https://www.usatoday.com/story/money/personalfinance/2015/05/23/247-wall-st-richest-towns-america/27791475/>

<sup>2</sup> See, for example, Richard Rothstein, *The Color of Law* (New York: Liveright Publishing Corporation, 2017), 3; Robert Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003), 2.

<sup>3</sup> “History of Oakland, California,” Wikipedia, accessed March 28, 2020, [https://en.wikipedia.org/wiki/History\\_of\\_Oakland,\\_California](https://en.wikipedia.org/wiki/History_of_Oakland,_California)

dramatically after that date.<sup>4</sup> Urban industrialization in response to WWII production needs fueled migration from rural areas to cities, causing a “serious housing shortage.”<sup>5</sup> The federal government stepped in to meet this demand, and used racial criteria in developing housing. Under policies such as the Lanham Act, which financed housing for workers in defense industries, programs such as the Public Works Administration (PWA) and the U.S. Housing Authority (USHA) constructed public housing projects under a “neighborhood composition rule.”<sup>6</sup> This rule stated that federal projects should reflect the existing racial composition of their neighborhoods.<sup>7</sup> The neighborhood composition rule perpetuated the separation of white and black living areas. The PWA would even segregate previously racially integrated neighborhoods by determining existing racial majorities and designating the area as either white or black. The PWA would then fulfill the designation by creating whites only projects in majority white mixed neighborhoods or blacks only projects in majority black mixed neighborhoods. In doing so, the government differentiated areas of cities as either white or black, and made migrants settle along racial lines. As stated by Richard Rothstein in *The Color of Law*, “the federal government’s housing rules pushed cities into a more rigid segregation than otherwise would have existed.”<sup>8</sup> By forcing black people to live in specific areas, the government contributed to segregation in housing.

Federal promotion of homeownership was another mechanism of racial segregation that followed and reinforced segregation in public housing. In response to the rise of communism in the Soviet Union, the federal government began promoting white Americans to purchase homes in an effort to get more of the population invested in the capitalist system.<sup>9</sup> Herbert Hoover started the Better Homes in America organization, campaigning across the nation the benefits of property ownership and single family homes. This movement advocated for white flight, telling white Americans to leave their apartments which were tainted by the “ignorant racial habit” of

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<sup>4</sup> “City of Oakland Census Data of 1940,” Bay Area Census, accessed April 18, 2020, <http://www.bayareacensus.ca.gov/cities/Oakland40.htm>; “City of Oakland Census Data of 1950-60,” Bay Area Census, accessed April 18, 2020, <http://www.bayareacensus.ca.gov/cities/Oakland50.htm>.

<sup>5</sup> Richard Rothstein, *The Color of Law* (New York: Liveright Publishing Corporation, 2017), 19.

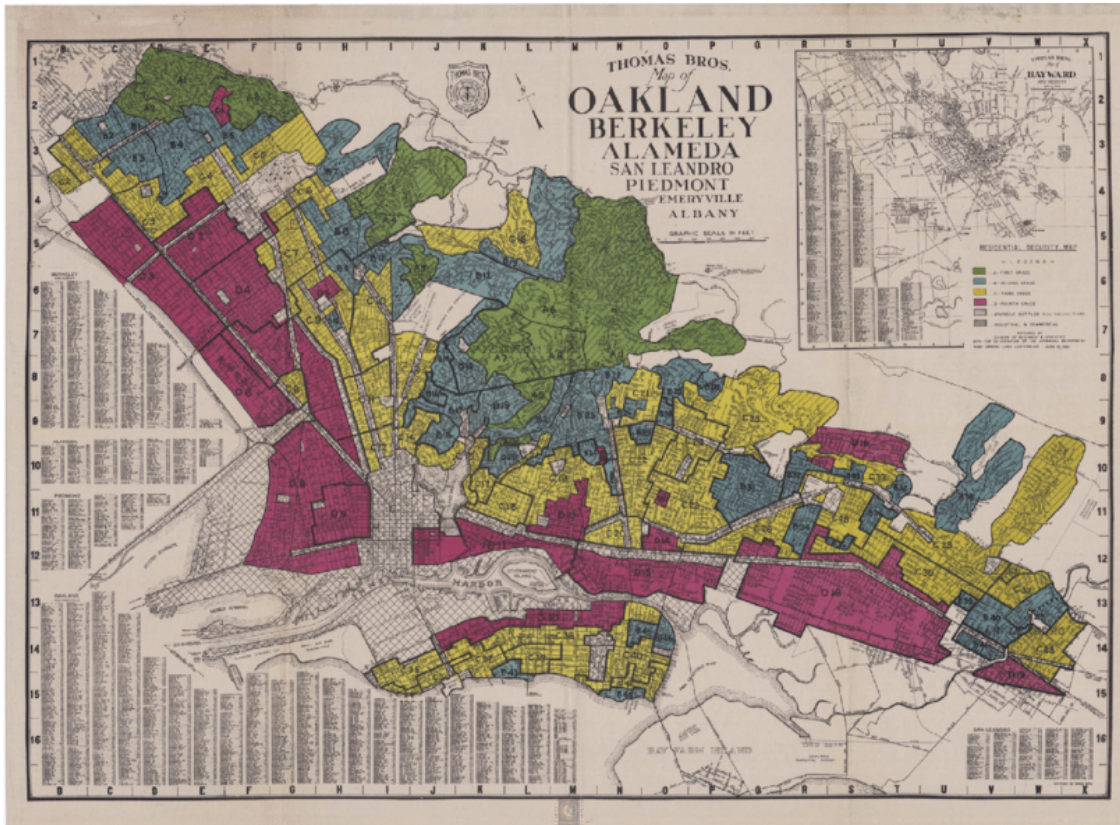
<sup>6</sup> Rothstein, *The Color of Law*, 21.

<sup>7</sup> Ibid.

<sup>8</sup> Rothstein, *The Color of Law*, 24.

<sup>9</sup> Rothstein, *The Color of Law*, 60.

African Americans.<sup>10</sup> Government administrations like The Home Owners' Loan Corporation (HOLC) and the Federal Housing Administration (FHA) were founded to promote homeownership by providing easy to pay off mortgages to people. The HOLC hired local real estate agents to help create color coded maps of urban areas. These maps showed the level of risk associated with granting mortgages to people in different sections of cities. In gauging risk, the HOLC took into account the racial makeup of each area, and designated African American neighborhoods as being high risk. These designations had the effect of limiting black people's ability to obtain mortgages and accumulate wealth through homeownership. This redlining map of the Bay Area, produced by the HOLC, shows the effects of the risk designations. Piedmont was designated as a green or low risk area, and the surrounding neighborhoods of West Oakland were designated as red or high risk.



HOLC Redlining Map of Bay Area.<sup>11</sup>

<sup>10</sup> James Ford, "Factors of Bad Housing that Contribute to Ill Health." In Blanch Halbert, *The Better Homes Manual* (Chicago: University of Chicago Press, 1931), 614-19.

<sup>11</sup> HOLC, "Thomas Bros. Map of Oakland, Berkeley, Alameda, San Leandro, Piedmont, Emeryville, Albany," Research Gate, accessed April 15, 2020,



The FHA also used discriminatory policies to exclude African Americans from the opportunity of homeownership, which further contributed to the separation of white and black communities. The FHA hired local real estate agents to assess neighborhoods under the following instruction, “If a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction in values.”<sup>12</sup> This instruction shows the government’s intent to promote racial homogeneity in residential neighborhoods. In order to create neighborhoods that retained high property values, the FHA preferred mortgages in areas that had “natural or artificially established barriers” like highways separating white and black neighborhoods.<sup>13</sup> These barriers were intrinsic to the “prevention of the infiltration of inharmonious racial groups.”<sup>14</sup> The policies of the FHA and HOLC isolated African American communities across the country. While white Americans were given opportunities to transition from government funded housing or rent based living to private homeownership, African Americans remained largely in public housing ghettos. Denied the ability to obtain mortgages based on the risk associated with their neighborhoods, black people could simply not afford to purchase houses and follow white people into the suburbs. Racial discrimination and exclusion in the emerging private housing market created separate, unequal living areas for white and black people.

By preemptively incorporating itself as a distinct city, Piedmont undermined Oakland’s annexation attempt and created the necessary conditions to remain an exclusive, wealthy community. From 1900 to 1910, the city of Oakland attempted to annex neighboring towns and

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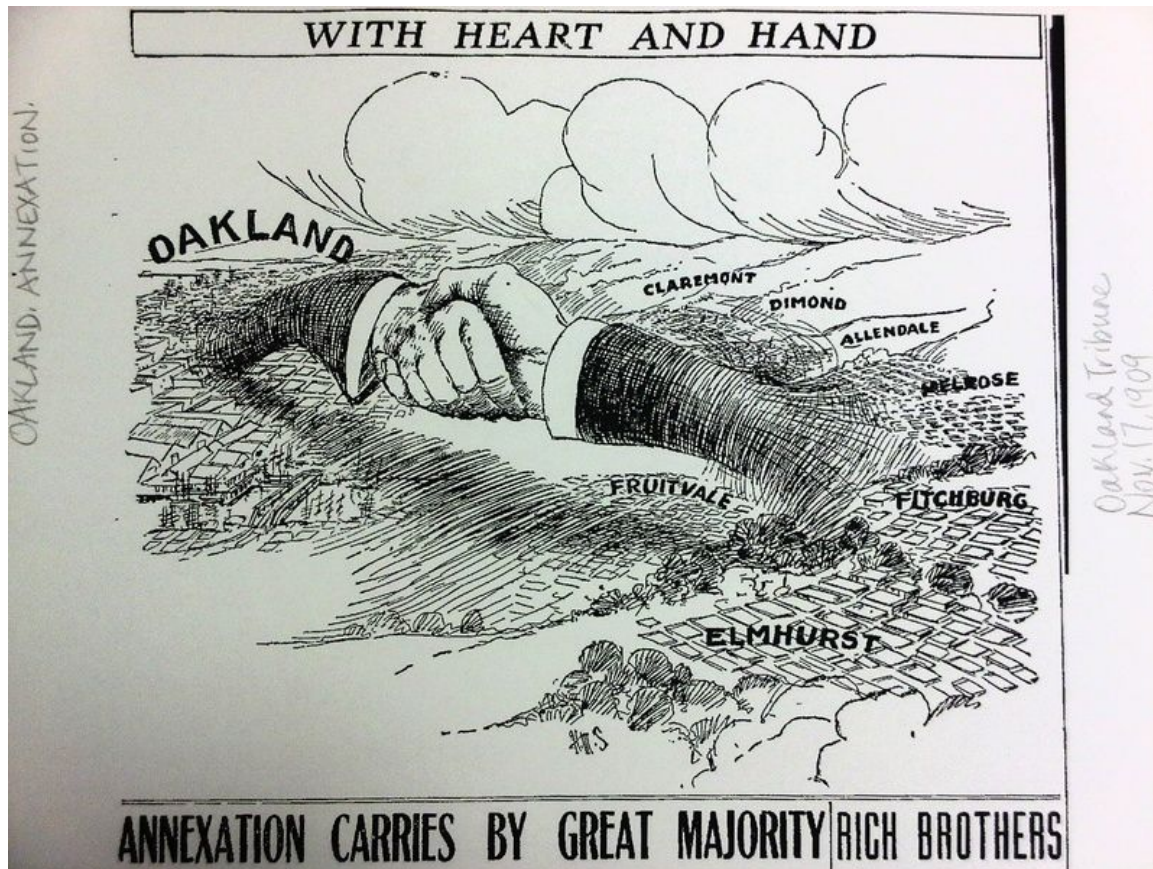
[https://www.researchgate.net/figure/A-1937-redlining-map-of-Oakland-published-by-the-Homeowners-Loan-Corporation-Areas\\_fig5\\_280021484](https://www.researchgate.net/figure/A-1937-redlining-map-of-Oakland-published-by-the-Homeowners-Loan-Corporation-Areas_fig5_280021484)

<sup>12</sup> FHA, *Underwriting Manual: Underwriting and Valuation Procedure Under Title II of the National Housing Act* (Washington, D.C: U.S. Government Printing Office, 1936), section 937.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

areas as part of The Greater Oakland Movement.



Oakland annexation cartoon.<sup>15</sup>

The movement's goal was to make Oakland a world class city by expanding the area the city occupied and increasing its population. Piedmont was one of the many communities Oakland sought to annex. At this time, Piedmont was a small community that attracted wealthy San Francisco families due to its large houses and open space.<sup>16</sup> Piedmont residents enjoyed a "bucolic," exclusive lifestyle.<sup>17</sup> The proposed annexation of Piedmont resulted in the emergence of an incorporation movement. Many residents were not convinced by Oakland's overtures, and instead wanted the town to have its own city services and preserve its small town character. Memories of a fire that had destroyed the "once-famed Piedmont hotel" contributed to the first sentiment, due to the slow response of Oakland fire fighters who "could not get the heavy and

<sup>15</sup> "With Heart and Hand," *Oakland Tribune*, November 17, 1909, accessed April 15, 2020, [https://localwiki.org/oakland/History\\_of\\_Annexation](https://localwiki.org/oakland/History_of_Annexation)

<sup>16</sup> Evelyn Craig Pattiani, *Queen of the Hills* (Yosemite-Di Maggio, 1982), 19.

<sup>17</sup> Wall Text, *The Great Oakland Annexation of 1909*, Oakland Public Library, Oakland, CA.

bulky engine over the five-mile pull in time to attempt to compete with the onslaught of the blaze.”<sup>18</sup> The result was a tumultuous political debate which included two votes over the course of 1907. The Piedmont incorporation supporters acted swiftly and were able to get their measure on the ballot before the annexationists, and Piedmont residents voted to become an independent city with a 79-39 vote count.<sup>19</sup> As its own city, Piedmont became ineligible for annexation by Oakland. Soon after, pro-annexation residents of Piedmont pushed the city to vote on disincorporation. Even though they won the majority of the vote, they were unable to get the 2/3 majority required for disincorporation. Thereafter, Piedmont remained a separate, expensive, mostly white city completely surrounded by Oakland, as Oakland annexed every other community in the area.

Through the use of zoning and housing policies that regulated what types of housing could exist in Piedmont, Piedmont created a city that inherently favored wealthy residents due to purposeful limitation of available housing. Explicit racial zoning, which separated white and nonwhite residents by law, was outlawed in 1917.<sup>20</sup> Piedmont, however, was able to use implicitly exclusionary zoning policies to the same ends. Founded by Frank C. Havens in 1895, the Realty Syndicate was a real estate and transportation development company that drove the construction of the mansions of Piedmont.<sup>21</sup> Many Piedmonters objected to annexation by Oakland because they wanted to “remain under the beneficent influence of the Realty Syndicate which has done so much for Piedmont.”<sup>22</sup> Piedmont residents viewed assimilation with Oakland as being contrary to their ideals of housing development. Defeating annexation, Piedmont protected its ability to determine its zoning laws and city planning as a whole. The Piedmont city charter stresses the importance of “regulating the character of construction in the city to protect the integrity and beauty of Piedmont neighborhoods.”<sup>23</sup> This zoning map of Piedmont, which has largely remained unchanged throughout the history of Piedmont, shows the extent to which

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<sup>18</sup> Evelyn Craig Pattiani, *Queen of the Hills* (Yosemite-Di Maggio, 1982), 47.

<sup>19</sup> Wall Text, *The Great Oakland Annexation of 1909*, Oakland Public Library, Oakland, CA.

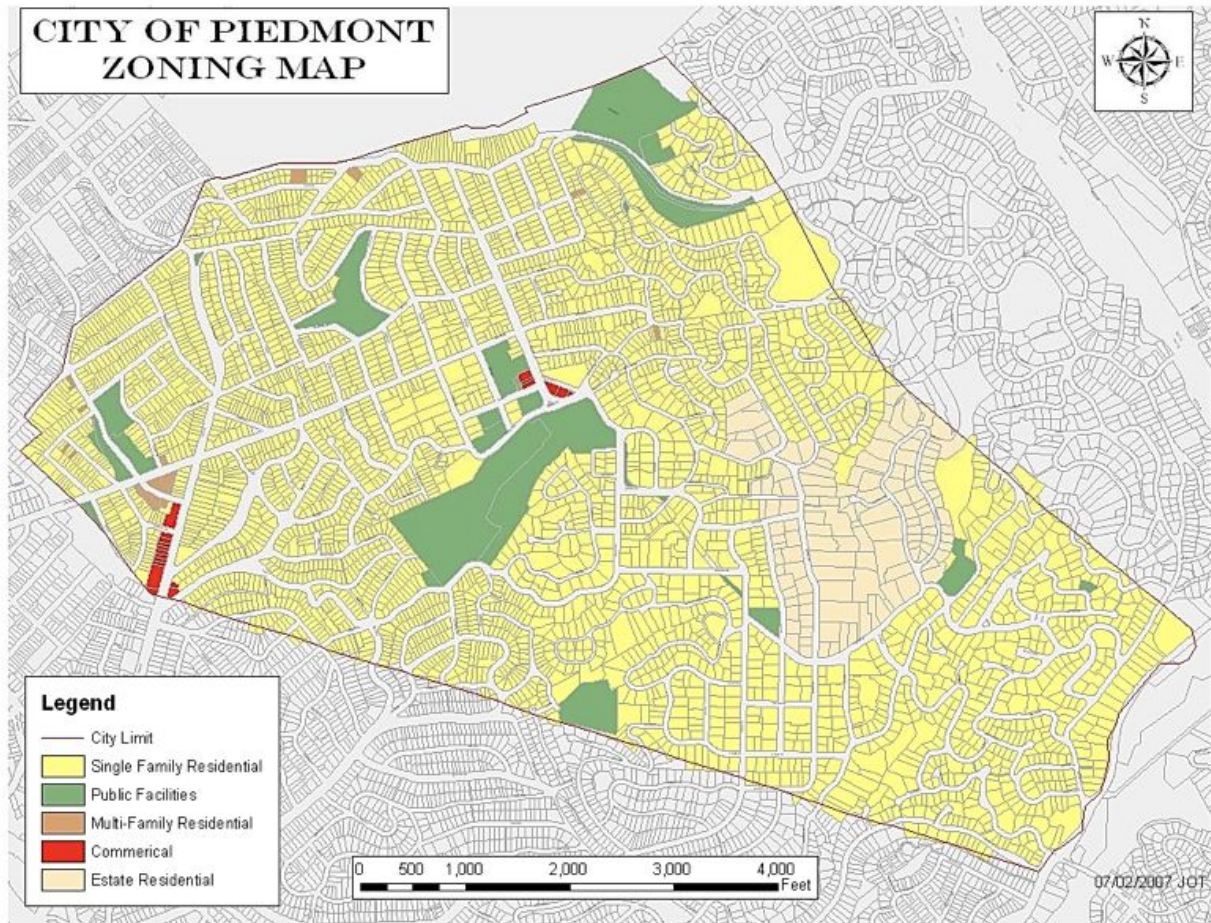
<sup>20</sup> Richard Rothstein, *The Color of Law* (New York: Liveright Publishing Corporation, 2017), 19.

<sup>21</sup> “How Piedmont became Oakland’s City of Millionaires,” Medium.com, accessed April 12, 2020, <https://medium.com/@cprender/how-the-piedmont-became-oaklands-city-of-millionaires-71696d1338c6>

<sup>22</sup> Wall Text, *The Great Oakland Annexation of 1909*, Oakland Public Library, Oakland, CA.

<sup>23</sup> “Zoning Ordinance,” City of Piedmont, accessed April 12, 2020, [https://piedmont.ca.gov/services\\_departments/planning\\_building/about\\_planning\\_/zoning\\_ordinance](https://piedmont.ca.gov/services_departments/planning_building/about_planning_/zoning_ordinance)

single family residential development was favored by the city



City of Piedmont zoning map.<sup>24</sup>

Piedmont has overwhelmingly favored single family home zoning, represented by yellow on this map. This had the effect of restricting the number of homes and overall population of the city. By closely restricting the number of properties that could exist in Piedmont, the city enhanced its exclusiveness and made wealth a necessary component of potential residents' ability to move in. In 1929, some Piedmont residents proposed a zoning ordinance that would expand commercial and multi-family development in their specific neighborhood.<sup>25</sup> In response, the Piedmont Civic Association launched a campaign against this proposed change to zoning laws, urging people to “protect [their] city and [their] homes” by voting against the ordinance to “preserve Piedmont as

<sup>24</sup> City of Piedmont, “City of Piedmont Zoning Map,” City of Piedmont Website, accessed April 12, 2020, <http://piedmont.hosted.civiclive.com/common/pages/DisplayFile.aspx?itemId=15970468>

<sup>25</sup> “Voters, Attention!!” (political flyer), Piedmont Civic Association, 1929.

an ideal home city.”<sup>26</sup> This request emphasizes the relationship between exclusion of others and high property values. Indeed, regulation of zoning and preservation of single family homes has been so essential to Piedmont’s preservation of its character that it is enshrined in the charter and made especially hard to change by requiring a majority vote of the people.<sup>27</sup> Interestingly, a majority vote is needed to change the size or reclassify single family zones into other types, but non single family zoned properties may be “voluntarily rezoned by the owners,” and that “such rezoning shall not require a vote of the electors.”<sup>28</sup> The city makes it easy for residents to make the areas they live in less dense, while making it a bureaucratic difficult process to increase the density of homes. Exclusion based on economic standing is therefore written into the city of Piedmont’s laws.

In addition to these implicitly exclusionary zoning policies, explicitly exclusionary measures such as extralegal violence were used by Piedmont residents to exclude black people and were supported by the city’s governmental power. Sydney Dearing along with his wife and two children were the first black family to move into Piedmont. Known as the “King of West Oakland,” Dearing was an affluent business owner who decided to purchase a home in Piedmont in 1924 for \$10,000.<sup>29</sup> With no explicitly racial zoning laws barring him from joining the community based on his race, Dearing was able to acquire the home due to his wealth. Immediately after Dearing moved in, “the Piedmont West End Club demanded he give an option on the property,” which he refused to do.<sup>30</sup> Right away, Piedmont residents made it clear to Dearing that he was unwanted by offering to purchase the property. Dearing’s refusal caused major discontent among residents and the city alike. The following night, “more than 500 Piedmont citizens gathered in front of [Dearing’s] newly acquired Wildwood avenue home and served notice that he must quit the city.”<sup>31</sup> This mob posed a threat to the safety of Dearing and

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<sup>26</sup> “Voters, Attention!!” (political flyer), Piedmont Civic Association, 1929.

<sup>27</sup> City of Piedmont, *Charter of the City of Piedmont*, sec. 9.02 (2018).

<sup>28</sup> Ibid.

<sup>29</sup> “Cafe Wrecked by Axe Bandits,” *San Francisco Examiner*, May 21, 1921, accessed April 12, 2020, [https://localwiki.org/oakland/Creole\\_Caf%C3%A9](https://localwiki.org/oakland/Creole_Caf%C3%A9)

<sup>30</sup> “Piedmont to Raze Home of Dearing,” *San Francisco Examiner*, June 6, 1924, accessed April 12, 2020, <https://www.newspapers.com/image/457938067/?terms=sydney%2Bdearing>

<sup>31</sup> Ibid.

his family, and constituted about 1/7 of the overall population of Piedmont.<sup>32</sup> The high proportion of residents who were against Dearing living there reveals the extent of racism in Piedmont at the time. To protect himself and his family, Dearing hired several of his black acquaintances to act as armed guards, causing newspapers to declare that a “race war now threatens fashionable California city.”<sup>33</sup> The presence of Dearing was clearly causing disruption



in the community,

<sup>32</sup> “City of Piedmont Census Data,” Bay Area Census, accessed April 12, 2020, <http://www.bayareacensus.ca.gov/cities/Piedmont50.htm>

<sup>33</sup> “Race War Now Threatens Fashionable California City,” *Salt Lake City Ogden Standard Examiner*, May 25, 1924, accessed April 12, 2020, <https://www.newspapers.com/image/29664865/?terms=piedmont>

Front page of the *Ogden Examiner*, 1924.<sup>34</sup>

which residents likely thought would threaten property values and the overall fabric of the community. This sentiment prefaces the FHA instruction discussed above, about the importance of segregation for the protection of property values. The situation became violent when “a bomb was thrown towards the premises, but extinguished by Dearing without doing harm.”<sup>35</sup> After this, Dearing received several letters from a “secret organization threatening to blow up his home unless he accepts the offer of Piedmont residents to purchase his home.”<sup>36</sup> Other acts of violence aimed at Dearing included people throwing bricks through his windows and people shooting at his house from a car in a drive by.<sup>37</sup> The city of Piedmont’s response to the violence is even more telling than the violence itself. Firstly, the “police refused to provide protection for Sidney Dearing,” forcing him to enlist his friends to guard the house as well as move his wife and two children back to their old home in West Oakland.<sup>38</sup> Burton Becker, the Piedmont chief of police at the time, was the vice president of the Oakland chapter of the Ku Klux Klan.<sup>39</sup> Racism was clearly ingrained in the Piedmont police, so Dearing could not rely on them for protection against residents. In fact, there was known “Ku Klux cognizance of the situation” at the time, which added to the danger Dearing faced.<sup>40</sup> This situation was characterized as the “precipice of race trouble,” and the city of Piedmont needed to step in and find a solution before the violence escalated further.<sup>41</sup> Dearing’s presence exposed the degree of racism among Piedmont residents, who tried using violence to scare him into leaving. When Dearing refused to succumb to violent intimidation tactics, the city of Piedmont itself stepped in to appease its angry residents.

Piedmont’s governmental response to Dearing’s experience reveals that racism was more than just a set of beliefs held by individual residents of Piedmont, but was ingrained in the policy

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<sup>34</sup> Ibid.

<sup>35</sup> “Race War,” *Ogden*.

<sup>36</sup> “Dearing Menaced By Third Bomb,” *Oakland Tribune*, June 7, 1924, accessed April 12, 2020,

<https://www.newspapers.com/clip/14047048/w-h-loving-sidney-dearing/>

<sup>37</sup> “Race War,” *Ogden*.

<sup>38</sup> Chris Rhomberg, *No There There: Race, Class, and Political Community in Oakland* (Oakland: University of California Press, 2004), 53.

<sup>39</sup> “The East Bay Still Has Some Very Visible Reminders of Our History of Racism,” *East Bay Express*, accessed April 12, 2020,

<https://www.eastbayexpress.com/oakland/the-east-bay-still-has-some-very-visible-reminders-of-our-history-of-racism/Content?oid=9251129>

<sup>40</sup> “Race War,” *Ogden*.

<sup>41</sup> Ibid.

decisions of the city. Instead of protecting Dearing when he was attacked, the city decided to side with the white opponents in attempting to oust him from the property. First, the city council attempted to purchase the property from Dearing for \$8000, and he refused the offer.<sup>42</sup> Dearing's continued resistance to a simple buyout showed his awareness of his constitutional right to own the property, as well as his bravery in the face of violence. Soon after, however, the city council made "measures which residents of Piedmont declare[d] would be both expeditious and effectual to rid the exclusive and aristocratic East Bay city of Sidney Dearing."<sup>43</sup> The city council unanimously adopted a resolution to condemn the home under eminent domain to build a street where the property lay. In doing this, Mayor Oliver Ellsworth claimed that "the perplexing negro resident problem had been solved."<sup>44</sup> By openly classifying Dearing's presence as such, Mayor Ellsworth revealed the true intention behind the condemnation, which was to rid the city of its racial outlier. Under the resolution, the city attorney Girard Richardson was directed to initiate the legal proceedings of acquiring the home.<sup>45</sup> The intent of the extralegal violence of residents was supported by the city itself, revealing that racism was systemic and aimed at excluding people of color. This story ends with Richardson dismissing the condemnation suit after Dearing agreed to sell his home to Piedmont for \$10,500.<sup>46</sup> He begrudgingly accepted this offer, stating that the money he made from the sale was for the "surrender of his constitutional rights."<sup>47</sup> Dearing viewed the Piedmont's and its residents' coercive methods of removing him from the city as unconstitutional, but rather than continue to oppose the city, receive hatred from neighbors, and put himself and his family at risk of injury, he decided to give in and move.

This narrative of wealthy white residents attempting to get rid of black neighbors was not exclusive to Piedmont, however the manner in which the city of Piedmont supported these sentiments was. When a wealthy black army general named Walter Loving purchased a home in nearby Lakeshore, an affluent neighborhood of Oakland, the Lakeshore Improvement Club

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<sup>42</sup> "Race War," *Ogden*.

<sup>43</sup> "Piedmont," *San Francisco Examiner*.

<sup>44</sup> *Ibid*.

<sup>45</sup> *Ibid*.

<sup>46</sup> "Piedmont Dismisses Suit Against Dearing," *Oakland Tribune*, February 12, 1925, accessed April 12, 2020, <https://www.newspapers.com/image/95068582/?terms=sydney%2Bdearing>

<sup>47</sup> "Piedmont," *San Francisco Examiner*.



requested Oakland to condemn the property for the construction of a library.<sup>48</sup> Once again, white residents wanted to exclude a black neighbor, and resorted to asking the city to take legal measures to do so. However, Oakland city commissioner Albert Carter rejected the condemnation request, stating that “we can’t start condemnation proceedings every time someone objectionable to his neighbors occupies a home. We would be flooded with requests of this sort if we started.”<sup>49</sup> At the time, the Oakland city government was not necessarily pro segregation, and allowed people of different races to live side by side. In contrast, as shown in the case of Sidney Dearing, the Piedmont city government was against integration in housing. The fact that Piedmont incorporated as a separate city permitted segregationist and racist sentiment held by its residents to control and be expressed in the city government. Had Piedmont been annexed by Oakland, it would have been more difficult for any particular sentiment held by residents to dominate the larger, more heterogeneous city’s politics. Therefore, incorporation facilitated the integration of racist, segregationist policies in the Piedmont city government.

Violence directed towards Sidney Dearing likely served as a deterrent for black people to move into Piedmont, contributing to the continued under representation of black people in Piedmont compared to Oakland. For example, from 1950 to 1970, Oakland’s African American population grew from 12.4% of the total population to 34.5%, whereas in Piedmont over the same time period, the African American population decreased from 1.6% of the total population to 0.6%.<sup>50</sup> Clearly, black residents felt unwelcome in Piedmont, as events like Dearing’s experience created a culture of racism and exclusion. In 1964, the California Real Estate Association (CREA) put Proposition 14 on the ballot, which intended to overturn the Rumford Fair Housing Bill.<sup>51</sup> The bill, passed one year earlier, had made it illegal for property owners to discriminate when renting or selling. Opponents to the fair housing bill such as Oakland city councilman Osborne claimed that “a property owner has an inherent right to rent or sell - or to

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<sup>48</sup> “Club Files Suit to Acquire Home of Negro as Site For Library,” *Oakland Tribune*, June 6, 1924, accessed April 12, 2020, <https://www.newspapers.com/image/95522644/?terms=sydney%2Bdearing>

<sup>49</sup> “Club,” *Oakland Tribune*.

<sup>50</sup> “City of Piedmont Census Data,” Bay Area Census, accessed April 12, 2020, <http://www.bayareacensus.ca.gov/cities/Piedmont50.htm>; “City of Oakland Census Data,” Bay Area Census, accessed April 12, 2020, <http://www.bayareacensus.ca.gov/cities/Oakland50.htm>.

<sup>51</sup> Robert Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003), 167.

refuse to rent or sell - to whomever he sees fit.”<sup>52</sup> This view favored the rights of property owners over the rights of people to live in integrated neighborhoods. More than 70% of Piedmont residents voted in favor of the proposition to overturn the fair housing bill, while only 55% of Oakland residents did.<sup>53</sup> Interestingly, in majority black low income neighborhoods such as West Oakland, more than 75% of residents voted against the proposition. Clearly, voters' opinions on this bill were divided on racial and class lines, with white people, such as Piedmont residents, favoring segregation and black people favoring fair housing. In the case of Piedmont, Proposition 14 voting demonstrates that racism was not a thing of the past, as residents in the 1960s continued to favor policies that limited black peoples' ability to move in, much in the way Piedmonters in the 1920s attempted to rid Sidney Dearing from the community.

Another exclusionary policy Piedmont enacted to make itself a select location reserved for its residents was the imposition of strict limitations on commercial development. Piedmont created no incentive for non-residents to spend time there by purposefully remaining a residential city. If Piedmont allowed stores and commerce, more people from the surrounding area would likely visit. In fact, Piedmont's desire to remain a residential city was one of the main reasons it became a charter city. In 1922, Piedmont residents reconsidered the applicability of California general law to their unique city, based on how Piedmont was “considered a non-commercial city” and therefore should “draw up a special charter for the community and not rely on” the general laws.<sup>54</sup> This charter was a strong mechanism to preserve the single family home character of the city. Having won greater self determination through the creation of a charter, Piedmont aggressively defended its ability to severely limit commercial development throughout the 1920s and 1930s. For example, in 1931, a businessman named H.S. Harris attempted to open a store adjacent to the small business district on Highland Avenue.<sup>55</sup> Girard Richardson, the same Piedmont attorney who led the condemnation proceedings against Sidney Dearing, denied his request based on Piedmont's zoning laws. Consequently, a judge ruled that Piedmont's decision denying the permit was unlawful as it favored the sole business existing in the district, creating a monopoly. Piedmont did not want to have more than one store, lest it not become a commercial

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<sup>52</sup> Ibid.

<sup>53</sup> Self, *American Babylon*, 168.

<sup>54</sup> “Piedmont Calls Freeholder Election,” *San Francisco Examiner*, October 14, 1922.

<sup>55</sup> “Piedmont Will Fight Ruling on Zoning Law,” *San Francisco Examiner*, October 1, 1931.

destination. Piedmont also took measures to restrict other types of commerce like solicitation. In 1923, the city passed an ordinance requiring solicitors to obtain a special license to be able to go house to house, for which they had to “give a record of their history, have their thumb prints taken and pay a license fee of 12\$ annually.”<sup>56</sup> This process of documenting visitors to the city, was, in the words of city attorney Richardson, the “legal exercise of police power to keep undesirable people out of the city.”<sup>57</sup> The United States Supreme Court found this law unconstitutional as a restraint on commerce, which made the city modify the law by removing the fee.<sup>58</sup> Piedmont’s regulatory stance on solicitation is in accordance with its denial of H.S. Harris’ business permit, and demonstrates that the city wanted to preserve its residential character and its isolation in relation to neighboring communities`. A retrospective newspaper article from 1961 described Piedmont as “The Rich Little City in the Heart of Oakland,” and detailed how “strict zoning laws, unchanged over 40 years, kept the city almost entirely one of single family dwellings.”<sup>59</sup> In fact, the article portends that “it was to keep out commerce that the [residents] brought Piedmont into existence.”<sup>60</sup> From its outset, Piedmont was created to be a residential retreat for the super wealthy, and residents ensured it remained as such by limiting commercial development, keeping the general public from visiting the city.

Piedmont created a separate school system to ensure that the exclusivity it enforced in its residential policies could be replicated in education. Initially, Piedmont had no high school, so the youth had to travel down the hill to attend Oakland High School and pay a tuition fee.<sup>61</sup> As Piedmont grew, the school board recognized the need for a “local high school within the district or for the elimination of the extra fee,” which ultimately resulted in the creation of Piedmont High School in 1922.<sup>62</sup> Early on, Piedmont Unified School District (PUSD) allowed some children from Oakland to attend Piedmont schools. In 1957, the school board made the decision to “drop Oakland grade pupils.”<sup>63</sup> This “exclusion ruling made by the Piedmont Board of

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<sup>56</sup> “Piedmont Law to be Modified,” *Oakland Tribune*, May 16, 1927.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> “Rich Little City in the Heart of Oakland,” *San Francisco Examiner*, April 10, 1961.

<sup>60</sup> Ibid.

<sup>61</sup> “Piedmont High School History,” Piedmont High School, accessed April 16, 2020, <https://www.piedmont.k12.ca.us/phs/about-phs/history.php>

<sup>62</sup> Evelyn Craig Pattiani, *Queen of the Hills* (Yosemite-Di Maggio, 1982), 89.

<sup>63</sup> “Piedmont To Drop Oakland Grade Pupils,” *The Piedmonter*, January 11, 1957.

Education” would essentially disallow students then enrolled in Piedmont schools who lived in Oakland to return to the following school year.<sup>64</sup> The school board justified this decision by claiming that “prohibiting Oakland youngsters from being enrolled in Piedmont schools” would fix the overcrowding the schools were facing.<sup>65</sup> In making this decision, Piedmont once again emphasized its own exclusivity. Regulating the school district to only allow residents to have access to Piedmont education reveals Piedmont’s evaluation of deserved to go to its schools. Since homeownership in Piedmont was expensive and zoning laws restricted the availability of Piedmont homes, Piedmont reserved its educational opportunities for those few who could afford to be a part of the community. In this way, Piedmont’s enforcement of exclusivity in homes was closely related to the exclusivity of its educational system.

Piedmont not only excluded students based on residency, but also attempted to block educational institutions that would serve students who were not Piedmont residents from operating in the city. In 1955, the Catholic church tried to build a school in an area of Piedmont zoned for public facilities such as parks and schools. The city of Piedmont denied the permit, saying that these zones were only intended for use by public schools falling under the PUSD, and the proponents of the private school initiated a lawsuit. Opponents to the private school urged the court to consider factors like “the character of the district, the conservation of property values, public opinion... and the peace, comfort and quiet of the district.”<sup>66</sup> In Piedmont’s view, the proposed private school threatened the residential, peaceful, upscale character of the town in some way. The court noted that “the proposed private school would draw pupils not only from Piedmont but from surrounding San Francisco Bay area communities, whereas, presumptively, only Piedmont children attend public schools located in that city.”<sup>67</sup> As a private school, anyone who wanted to attend could, not taking into account their residency. The “surrounding SF Bay Area communities” at the time were much more diverse than Piedmont.<sup>68</sup> As discussed above, in the 40s and 50s, Oakland experienced massive migration of black people, and the proportion of black people in the city went up considerably. Piedmont’s attempt to deny a school that would

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<sup>64</sup> “Piedmont,” *The Piedmonter*.

<sup>65</sup> *Ibid*.

<sup>66</sup> *Roman Catholic Welfare Corp. of San Francisco v. City of Piedmont*, 45 Cal.2d 325, 327 (1955).

<sup>67</sup> *Roman*, 339.

<sup>68</sup> “City of Piedmont Census Data,” Bay Area Census; “City of Oakland Census Data,” Bay Area Census.

bring some of this diversity into the city in the midst of these demographic changes points to a potential racial motivation on its part. The California Supreme Court found that the Piedmont ordinance was “unconstitutional and void because of its arbitrary and unreasonable discrimination against private schools.”<sup>69</sup> The court found that Piedmont could not exclude private schools in areas where public schools were allowed. Piedmont had justified its opposition to the Catholic school as concern for the “character of the district,” but the court ruled against them.

“It is not pointed out to us just how the pupils in attendance at the parochial school are any more likely to jeopardize the public safety than the public school pupils. Nor can we arbitrarily conclude that the prospective students of the new school will seriously undermine the general welfare.”<sup>70</sup>

Piedmont’s attempt to block the construction of the Catholic school revealed its intent to keep out non-residents of the city, who may have been from different socioeconomic backgrounds and were perceived as threats to the community’s character. This narrative mirrors FHA policy regarding segregation in schools. The FHA manual warned that if students “are compelled to attend school where the majority of the pupils represent a far lower level of society or an incompatible racial element, the neighborhood under consideration will prove far less stable and desirable.”<sup>71</sup> Schools with students of mixed socioeconomic background brought down the value of their neighborhoods, so cities like Piedmont took measures such as zoning regulation and educational residency requirements to try to promote racial and economic homogeneity in their schools. To this day, Piedmont makes it almost impossible for non residents to send their children to Piedmont schools, even from neighborhoods directly adjacent to Piedmont.<sup>72</sup> By

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<sup>69</sup> *Roman*, 327.

<sup>70</sup> *Roman*, 329.

<sup>71</sup> FHA, *Underwriting Manual: Underwriting and Valuation Procedure Under Title II of the National Housing Act* (Washington, D.C: U.S. Government Printing Office, 1936), section 937.

<sup>72</sup> For example, current regulations state one of the following conditions must be met for an interdistrict transfer to PUSD. 1. Children with parents constructing or remodeling a home in Piedmont. 2. Children with parents purchasing a home in Piedmont. 3. Children of PUSD employees. 4. High school juniors and seniors who have moved out of the district. 5. Children of the City of Piedmont government employees. 6. Children of the PEF Director. 7. Children residing in Calvert Court. 8. Children living in residences on approved “split parcel” properties. See David Fox, “Breaking the Geographic Barrier, Removing Residency Requirements from California Public School Enrollment,” *UC Davis Law Review Online* 52 (April 2019).

severely restricting who can attend Piedmont schools, the city has reserved its high quality educational opportunities for people wealthy enough to live in Piedmont.

Piedmont's incorporation as a separate city from Oakland allowed it to enhance its exclusivity through the use of both implicitly and explicitly exclusionary policies. At the turn of the twentieth century, Piedmont was a distinguished community of the Bay Area's affluent, a resort of sorts for city people to escape their normal fast-paced lives. Residents' motivations for incorporation were complex, and included the desire for more localized public services as well as wanting to remain on the developmental trajectory Piedmont was on. Until the 40s and 50s Oakland did not have a significant black population; white people were the majority of Oakland's population. This indicates that residents of Piedmont were likely not motivated by racial exclusion in choosing incorporation over annexation, but instead were motivated by class elitism and privilege. As the twentieth century progressed, the surrounding Bay Area became more diverse, especially as a result of WWII. During this period of time, the federal government imposed racial segregation in housing through the use of explicitly segregated projects and preferential promotion of homeownership. Operating under this general framework of segregation, Piedmont was able to exercise its legal power as a city to reinforce exclusivity based on economic standing as a prerequisite for anyone's ability to move there. As the surrounding Bay Area became more diverse, race became an integral part of Piedmont's identity, as shown by the case of Sidney Dearing. Dearing's experience served as an early indicator to Piedmont residents that race dynamics were changing, and also made it clear to the whole Bay Area that Piedmont residents and the city itself did not welcome black people. Piedmont residents were not unique in not wanting black neighbors, as shown by the Lakeshore case. The difference was that incorporation had allowed Piedmont residents to express their racism through a city government. When Oakland's racial composition changed dramatically in the 40s and 50s, Piedmont continued to use its governmental power to maintain the city's separation from its surroundings through restrictive zoning and educational policies. These methods were not explicitly racist, but Proposition 14 voting shows that racism remained an important factor in Piedmont residents' minds during the fair housing disputes of the 60s. Throughout Piedmont's history, incorporation

enabled Piedmont residents to protect their exclusive enclave through the use of exclusionary policies, which while often implicit, had a pronounced classist and racist effect.

### Afterword

*A couple of years ago, I saw a billboard in Downtown Oakland that showed the 10 year life expectancy difference of people from the 94621 zip code (East Oakland), in comparison with 94611 (Piedmont and the surrounding Oakland hills). This disparity was appalling to see, but not surprising. Growing up in Piedmont, I had always seen how wealthy people are and how little diversity there is. I was one of two hispanic kids in my grade, and there was only one black kid. The billboard made me want to investigate the possible reasons why Piedmont was a separate city in the first place, and if this has contributed to the economic and health disparities we see today. I learned that incorporation is linked to these disparities, and more importantly, that there are racist and classist elements in the city's history. In particular, I was surprised to learn of the story of Sidney Dearing, who experienced mob violence and city-led condemnation proceedings aimed at ridding him from the city. This is a part of the city's past that has not been included in the official narrative of the city's history, which emphasizes the unique nature of the community with its century-old traditions, beautiful houses and gardens, and small town vibe. Recently, I walked to 67 Wildwood Avenue, the property once owned by Sidney Dearing and which still stands today unchanged. I tried to imagine a crowd of 500 angry Piedmonters gathered on the quiet street, and immediately felt the immense weight of forgotten racism and silenced pain felt by Dearing and so many others like him. I think that Piedmont should reckon with its past and acknowledge its wrongdoings, and recognize its contribution over the years to the stark disparities seen today in the Bay Area in health, wealth, and education.*



67 Wildwood Avenue, Piedmont CA.



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