

City of Piedmont
COUNCIL AGENDA REPORT

DATE: March 18, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of a Resolution Directing Staff to Refine the Approach to Preparation of a Draft Moraga Canyon Specific Plan

RECOMMENDATION

Approve the attached Resolution (Attachment 1) directing Staff to refine the approach to preparation of a Draft Moraga Canyon Specific Plan.

EXECUTIVE SUMMARY

One of the more significant programs in Piedmont's 6th Cycle Housing Element is Program 1.L. It requires the preparation of a Moraga Canyon Specific Plan ("MCSP") for City-owned parcels that total an estimated 18 acres in the Moraga Canyon area and the Moraga Avenue roadway that intersects them ("Study Area"). As provided in Attachment 2, the Housing Element and its Program 1.L call for the development of housing and the community infrastructure that supports and benefits the residents of new and existing homes. In undergoing the specific plan development process, the City is not committing to approving any specific project or dedicating financial resources beyond the cost of MCSP preparation. Rather, the MCSP is laying the groundwork to establish future housing opportunities through land use within the context of adjacent uses, the surrounding community and the City as a whole.

On January 22 and March 1, 2024, the City Council held Study Sessions to receive information and discuss issues related to the preparation of a MCSP. At the conclusion of the March 1st study session, the City Council reached a preliminary consensus regarding the inclusion and exclusion of potential elements of a draft MCSP for future consideration. Additionally, staff explained what details should be included in a specific plan, and details that should be included in a future request for proposals (RFP) that will be issued for development. Whereas a specific plan is the framework for development within the study area, prescribing general location and design standards, much of the detail of development is resolved once the City issues a request for developer proposals and the City negotiates an agreement with a selected developer.

Based on this direction, staff proposes preparation of the draft MCSP in the following manner:

1. Exclude site plan options 3 and 4 (as presented during the March 1, 2024 City Council study session), as they require significant investment in infrastructure before housing can be developed;
2. Include site plan options 1 and 2 (as presented during the March 1, 2024 City Council study

session) (See Attachment 1 Exhibits A & B and descriptions on page 3 of this report) to provide potential developers with flexibility to optimize housing production and community benefits, including Moraga Avenue roadway improvements, including but not limited to:

- a. Increasing the number of market-rate units from 72 to a maximum of 139 to improve the provision of community amenities;
- b. Eliminating an enhanced skating facility as a goal of the plan, and instead advancing other community facilities, such as a dog park, a playground, or a pickleball court; and
- c. Including the community benefits of an under-14 soccer field, youth baseball/softball field, batting cages, artificial field turf, and ballfield seating.

As briefly mentioned above, the study session also provided information to the Council regarding specific development characteristics and preferences, which would be addressed in an RFP process after the City adopts a specific plan. The Council expressed that the following elements be addressed in a development RFP:

1. Prioritize a master developer for the construction of both the affordable and market rate housing together in an integrated design and location;
2. Prioritize housing for families (units with 2+ bedrooms);
3. Prioritize community benefits, particularly the improvement of recreational facilities to include an under-14 soccer field, youth baseball/softball field, batting cages, artificial field turf, and ballfield seating.
4. If a master developer seeks to use the Coach's Field portion of the site, prioritize building into their agreement with the City, the relocation and improvement of the recreation facilities.

Based on Council's discussion and direction during the two study sessions, staff recommends preparation of a Draft Moraga Canyon Specific Plan based on the above-referenced discussion that incorporates the Council's feedback provided thus far on a potential RFP when the City reaches that step in the process.

BACKGROUND AND DISCUSSION

On July 17, 2023, the City Council approved an agreement with JZMK Partners (JZMK) for services related to the preparation of a Moraga Canyon Specific Plan, and staff and the consulting team met the following week to launch the project. The first steps in the process have commenced, including existing conditions analysis, neighborhood and stakeholder engagement, two online surveys, and presentations to the Recreation and Park Commissions.

A community workshop was held on November 30, 2023, at which four alternative concept site plans were first presented. These four MCSP site plan options were subsequently presented at study sessions held by the Planning Commission on January 8, 2024, and by the City Council on January 22 and March 1, 2024. The study session presentations also included information on housing integration, roadway safety improvements, recreation improvements, development feasibility, fiscal impacts, potential grant and revenue sources, land disposition, and phasing.

Four Alternative Site Plan Options

Alternative Site Plan Option 1

- Market rate and affordable multi-family housing grouped together and sited on the south side of Moraga Avenue.
- Two market rate single-family lots off Abbot Way and Maxwellton Road.
- Moraga Avenue roadway improvements: sidewalks, bike lanes, signalized intersection.
- Recreation Facilities: Soccer field improved to U14 dimensions, baseball field overlaying the soccer field, retained existing skate park, additional parking for recreation facilities, new public trails on the northern hillside.
- Public Works Corporation Yard retained but modified slightly to accommodate enlarged soccer field.

Alternative Site Plan Option 2

- Market rate and affordable multi-family housing grouped together and sited on the north side of Moraga Avenue in locations formerly occupied by Coaches Field, Kennelley Skate Park and the western section of the Corporation Yard.
- Two market rate single-family lots off Abbot Way and Maxwellton Road.
- Moraga Avenue roadway improvements: sidewalks, bike lanes, signalized intersection.
- Recreation Facilities: Soccer field relocated to the south side of Moraga Avenue and built to U14 dimensions, a truncated baseball field overlaying the soccer field, Kennelley Skate Park removed and a new skate spot on the south side of Moraga Avenue, additional parking for recreation facilities, a dog park on the south side of Moraga Avenue, new public trails on the northern hillside.
- Public Works Corporation Yard retained but reduced in size to accommodate new housing.

Alternative Site Plan Option 3

- Market rate and affordable multi-family housing grouped together and sited on the north side of Moraga Avenue in locations formerly occupied by the Corporation Yard and Kennelley Skate Park.
- Two market rate single-family lots off Abbot Way and Maxwellton Road.
- Moraga Avenue roadway improvements: sidewalks, bike lanes, signalized intersection.
- Recreation Facilities: Soccer field remains in place and improved to U14 dimensions, baseball field overlaying the soccer field, Kennelley Skate Park removed and a new skate spot on the north side of Moraga Avenue, additional parking for recreation facilities, a new dog park on the south side of Moraga Avenue, new public trails on the northern hillside.
- Public Works Corporation Yard relocated to the south side of Moraga Avenue.

Alternative Site Plan Option 4

- Market rate and affordable multi-family housing grouped together and sited on the north side of Moraga Avenue in locations formerly occupied by the Corporation Yard and Kennelley Skate Park.
- Two market rate single-family lots off Abbot Way and Maxwellton Road.
- Moraga Avenue roadway improvements: sidewalks, bike lanes, signalized intersection.
- A new parking garage and Corporation Yard structure in the current location of Coaches Field.
- Recreation Facilities: Soccer field rebuilt atop the new parking structure and improved to

U14 dimensions, baseball field overlaying the soccer field, Kennelley Skate Park removed and a new skate spot on the north side of Moraga Avenue, additional parking for recreation facilities, a new dog park on the south side of Moraga Avenue, new public trails on the northern hillside.

- Public Works Corporation Yard relocated to within the new parking structure.

City Council Study Sessions

In advance, during and subsequent to its two study sessions, the City Council received and considered numerous written and oral comments from community members. During its study sessions, members of the Council expressed several concerns and preferences, including, but not limited to the following:

1. A number of the site plan options require the City to build and significantly fund infrastructure and City facilities well in advance of the development of housing. Such plan options would require significant funding and upfront costs by the City before housing could be developed.
2. All plan options appear to require expenditures from the General Fund which would adversely affect other City programs and projects. Where possible such expenditures should be avoided and the plan should optimize revenue to cover costs for infrastructure and facility improvements to the extent practicable, and to pursue grant funding where available.
3. The integration of the market rate and the affordable housing should be a critical element of the plan to ensure affordable housing is incorporated in an integrated site plan with the same design materials, architecture, and shared amenities, as market rate housing.
4. Affordable housing opportunities should be designed for families with most units having two or more bedrooms. This will intentionally support a future school age population that can be served by PUSD.
5. Staff time and capacity are required to apply for and monitor grant funding.
6. There is a need for grant funds to finance roadway safety improvements.
7. The skate park is underused and should not remain a priority particularly if it can be replaced with a community benefit of greater demand, such as a dog park, pickleball court, playground or the like.
8. Utilizing Alameda County Measure A-1 Bond Measure funds for the development of the affordable housing continues to be an important City pursuit from a timing point of view.

As noted in the Executive Summary section of this report, at the conclusion of its March 1st study session the City Council appeared to achieve a preliminary consensus of opinion about proposed plan elements it would like to exclude from a Draft MCSP and those elements it would like to include and prioritize in a Draft MCSP. Staff has prepared the attached resolution (Attachment 1) to direct the preparation of a Draft MCSP consistent with this direction.

ENVIRONMENTAL REVIEW

Adoption of the proposed resolution directing City staff to prepare a Draft Moraga Canyon Specific Plan, does not result in the adoption of any specific plan. Accordingly, the recommended action is not a project under CEQA. Further, even if the adoption of this resolution was a project, it would be exempt under the “common sense exemption” in CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that the preparation of a Draft Moraga Canyon Specific Plan would have a significant effect on the environment.

In addition, the City recently certified an Environmental Impact Report that analyzed the impacts of the Housing Element Implementation Project, including the MCSP. As the MCSP is prepared and specific aspects of the plan are identified, the City will analyze whether there are any additional impacts that require environmental review..

FISCAL IMPACT

The work and its corresponding cost to prepare a Draft Moraga Canyon Specific Plan is included in the scope of the consulting services agreement with JZMK Partners approved by the City Council on July 17, 2023, and amended by the City Council on February 20, 2024. The not-to-exceed amount provided in the amended agreement is \$602,800, of which \$342,192.50 had been expended through February 29, 2024.

NEXT STEPS

With the adoption of the resolution by the City Council, City staff and the JZMK Partners team will prepare a Draft Moraga Canyon Specific Plan in the next three to four months with the expectation that the Draft MCSP would be made available for public review and consideration by the Planning Commission and City Council in midsummer 2024. A final draft MCSP is expected to be completed and considered for adoption during the second half of 2024.

Report prepared by Kevin Jackson, Director of Planning & Building

ATTACHMENTS

Pages

- 1 7-10 Resolution of the City Council directing the preparation of a Draft Moraga Canyon Specific Plan
Exhibits A & B: MCSP site plan options 1 and 2 as presented during the March 1, 2024 City Council study session
- 2 11-12 Program 1.L Specific Plan, from City of Piedmont 6th Cycle Housing Element
- 3 13-19 Public Correspondence March 1-13, 2024

Related Document

[City of Piedmont 6th Cycle Housing Element, Adopted March 2023, Revised August 2023](#)

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RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT
DIRECTING STAFF TO REFINE THE APPROACH TO PREPARATION OF A
DRAFT MORAGA CANYON SPECIFIC PLAN**

WHEREAS, to comply with State housing element law, the City of Piedmont has approved the 2023-2031 6th Cycle Housing Element (the 6th Cycle Housing Element); and

WHEREAS, in furtherance of State law, the City is taking meaningful steps to promote and affirmatively further fair housing, including making zoning available for all types of housing, as well as facilitating and encouraging a variety of housing types for diverse income levels; and

WHEREAS, the City of Piedmont supports advancement and achievement of the City's regional housing needs allocation (RHNA) of 587 housing units, comprised of 238 above moderate income units, 92 moderate income units, 94 low income units, and 163 very low income units;

WHEREAS, the 6th Cycle Housing Element includes Program 1.L Specific Plan, which calls for the preparation of a Moraga Canyon Specific Plan for City-owned parcels that total an estimated 18 acres in the Moraga Canyon area and the Moraga Avenue roadway that intersects them ("Study Area");

WHEREAS, the Study Area will seek to accommodate a minimum of 132 dwelling units and also aim to improve public safety, maintain and/or modernize Public Works and Recreation facilities; provide safe pedestrian, bicycle and vehicular circulation; and prioritize landscaping; and

WHEREAS, since the project launch in July 2023, the City has conducted existing conditions analysis, neighborhood and stakeholder engagement, two online surveys, presentations to the Recreation and Park Commissions, a November 30, 2023 community workshop, and a study session by the Planning Commission on January 8, 2024; and

WHEREAS, the City Council received and considered numerous written and oral comments from community members on the Moraga Canyon Specific Plan; and

WHEREAS, the Piedmont City Council held two study sessions on January 22 and March 1, 2024, during which they received information from City staff and the consulting team on, and discussed their concerns about, site plan options, project feasibility, fiscal impacts on City funds, demands on City staff, housing integration within the development and with the greater community, roadway safety, public works and recreation facilities, the disposition of City land, grant and revenue sources, and project timeline and phasing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. ENVIRONMENTAL REVIEW

The City Council finds that the direction to staff to prepare a draft specific plan is not a project under the California Environmental Quality Act. In the alternative, in the event the direction to staff to prepare a specific plan were a project, it would be exempt under the “common sense exemption” in CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that the preparation of a Draft Moraga Canyon Specific Plan would have a significant effect on the environment.

SECTION 2. DIRECTION TO PREPARE A DRAFT MORAGA CANYON SPECIFIC PLAN

The City Council hereby directs staff to refine the approach to preparing a Draft Moraga Canyon Specific Plan for future consideration by the Council. Any such Plan shall incorporate the following principles:

1. Exclude site plan options 3 and 4 as presented to the City Council on March 1, 2024, which require excessive general fund investment in infrastructure before housing can be developed. These plan options feature: the relocation of the Public Works corporation yard to the southern side of Moraga Avenue in option 3; and in option 4, the construction of a parking structure with the sports fields atop and the relocation of the Public Works corporation yard within it;
2. Include site plan options 1 and 2 (Exhibits A and B, attached hereto) to provide flexibility to potential developers to choose a plan that optimizes the development of housing and community benefits, including improvements to the Moraga Avenue roadway, with the following refinements:
 - a. Explore increasing the number of market-rate units, currently at 72, to up to 139 in order to better fund community amenities;
 - b. Eliminate a skating facility as a goal of the plan, and instead seek the development of other community facilities, such as a dog park, a playground, or a pickleball court; and
 - c. Include the community benefits of an under-14 soccer field, youth baseball/softball field, batting cages, artificial field turf, and ballfield seating.

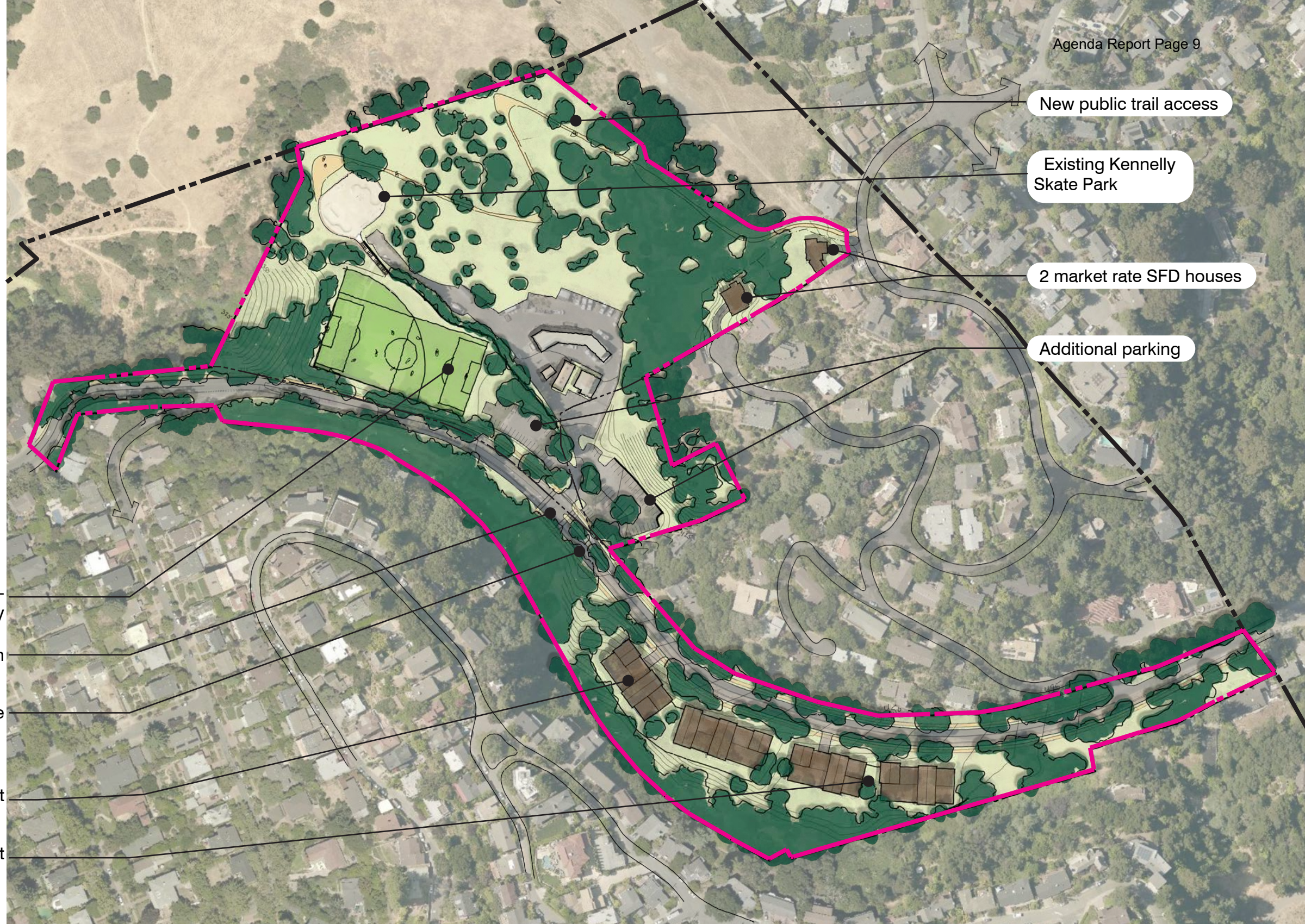
SECTION 3. SEVERABILITY.

All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF RESOLUTION]

OPTION 1

- **Housing development on Blair Park Open Space**
- **Preserve and expand Coaches Field**
- **Preserve Corp Yard**
- **Improve pedestrian and bicyclist safety and access**
- **Increase parking and transit access**



U14 soccer field with soft-ball overlay

New signalized intersection

Improved Moraga Ave

70 DU market rate housing project

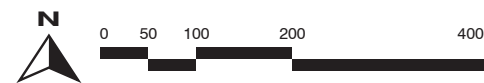
60 DU affordable housing project

New public trail access

Existing Kennelly Skate Park

2 market rate SFD houses

Additional parking



OPTION 2

- **Combine public recreation on Blair Park Open Space**
- **Minor impacts to Corp Yard**
- **Increase parking and transit access**
- **Improve pedestrian and bicyclist safety and access**
- **Multiple development sites on Coaches Field side with common open space amenity**

70 DU market rate housing project

60 DU affordable housing project

New signalized intersection

Improved Moraga Ave

Dog park

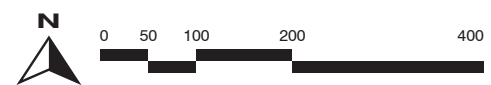
U14 soccer field with
softball overlay

New public trail access

2 market rate SF
houses

Additional parking

New skate spot



Excerpted from the City of Piedmont 6th Cycle Housing Element

“Program 1.L: Specific Plan

As described in Appendix B, Section B.3.1, the City owns four sites (comprised of APN 050457901900, 050457908000, 048A700200303, and 050457906100) totaling about 18.25 acres on both the north and south sides of Moraga Avenue near Red Rock Road. The City of Piedmont has the ability to subdivide the parcels and declare them to be surplus under the Surplus Land Act (SLA-California Government Code §54222 et seq.). The intent of this process would be to facilitate the development of below-market-rate housing to help meet the demand for affordable housing in the City. In order for the City to meet its RHNA requirements, these sites need to accommodate at least 132 housing units at all income levels. Given the size of the site, existing constraints, and the desire to preserve the existing public uses (open space, recreation, and City Corporation Yard), the area will be planned using the specific plan process outlined in Government Code §65450 et seq. This process requires the orderly development of the area, including the following: phasing; subdivision; adequate infrastructure; identification of financing; protection of amenities and City facilities; and production of affordable housing. The goals of the specific plan are as follows.

The first goal is to enable construction of housing at a minimum of 132 units, on portions of the site, totaling approximately 3.5 acres of land, yielding a minimum of 60 units of housing affordable to households earning less than 80 percent of the area median income (AMI) and a minimum of 72 units affordable to households earning more than 80 percent of the AMI.

In addition, specific plan goals include improved safety. New habitable structures shall be built to meet fire code requirements for Wildland Urban Interface Areas.

The specific plan must include replacement and/or modernization of existing Public Works Department facilities, offices, storage areas, vehicle storage areas, etc., so that service capacity is maintained or increased, and so that the facilities meet current building and fire code requirements.

The specific plan must include recreation facilities, including but not limited to an under-14 soccer field, youth baseball/softball field, batting cages, artificial field turf, ballfield seating, a skate spot, a picnic area, and parking for these facilities.

The specific plan must provide all public utilities to new housing and all City facilities to be constructed within the specific plan area in a manner consistent with public safety standards and Piedmont Climate Action Plan goals and programs.

The specific plan must include improvements to pedestrian and vehicular circulation, as determined necessary by the City Engineer, to provide safe pedestrian, bicycle, and motor vehicle movements, ensure safe evacuation routes, and provide optimal emergency response.

The goals of the specific plan include a comprehensive landscape plan for areas planned for development. The landscape plan shall prioritize to the extent practicable: fire safety and the preservation of significant open space, scenic views, and native and heritage trees.

Density in the plan area will be determined at the time of plan development and could range from 40 to 60 dwelling units per acre, including housing for seniors, disabled persons, single-parents, low-income families, and/or people requiring supportive services. This program requires an amendment to the City's General Plan and the preparation of a specific plan to accommodate the density and create development standards for the unique site conditions. The required amendments would be reviewed by the City Attorney for conformance with the City Charter and other legal requirements. If it is determined that it is infeasible to develop this site during the planning process, the City will consider utilizing other City-owned properties as alternative sites (See Appendix B).

The City will apply for grants and other funding sources to help fund the planning and development of affordable housing in this area. The City could also leverage local, State, and federal affordable housing funding sources.

The City issued a request for proposals (RFP) seeking professional services for the preparation of a Moraga Canyon Specific Plan on January 23, 2023. Proposals were received on March 13, 2023 and contract execution and project kick-off are expected to occur by the end of July 2023. There are no known impediments to the development of housing within the study area. The scope of services detailed in the RFP include but are not limited to the following:

- Detailed guidance on phasing and subdivision that accommodates the 60 units of lower-income housing and 72 units of above moderate-income housing identified for the study area in Housing Element program 1.L and the Sites Inventory (Housing Element Appendix B), and that prioritizes and expedites the identification of a site for the development of affordable housing that meets the criteria and timelines to secure Alameda County Measure A-1 funding. (The due date for the City to gain County approval of a project using Measure A-1 funding is December 31, 2024.);
- The preparation of a surplus land declaration;
- A program of implementation measures including regulations, programs, infrastructure projects, and financing measures necessary to implement the Specific Plan; and
- An evaluation of the economic feasibility of the Specific Plan.

Necessary entitlements and the issuance of building permits will occur during the planning period and will be specified through the Specific Plan process. As noted in Appendix F, any new housing in Piedmont represents increased access to opportunity and housing mobility, as the City is considered to be “highest resource” throughout. The Specific Plan will promote housing choice and affordability, given that it includes measures to provide housing for below-market rate households, which will help overcome existing patterns of income segregation within the Bay Area and East Bay region.

The City will also determine appropriate partnership opportunities in order to ensure successful implementation of this program and adequate funding for the development of affordable housing. Proposals would be reviewed and approved by the City Council.

- Objective: Develop a specific plan to accommodate at least 132 dwelling units at a density of 40 to 60 dwelling units per acre affordable to a variety of households, including seniors, disabled persons, single-parents, low-income families, and people requiring supportive services.
- Timeframe:
 - Award contract for professional services for the preparation of the specific plan and kick off project by July 2023.
 - Apply for available grant funding by December 2024.
 - Begin subdivision of site and Surplus Land declaration timed to be completed concurrent with Specific Plan adoption.
 - Prepare specific plan with the goal of completion by the end of 2025.
 - Adopt specific plan, General Plan amendments (See Program 1.P), and associated development standards by 2025.
 - Pursue goal of entering into exclusive negotiating agreement with development partners by the end of 2026.
 - Issue building permits by the end of 2027 (if an agreement is finalized with developers by 2026).
 - Identify alternative site(s) by June 2027 (if no agreement is finalized by the end of 2026).
- Responsible Agency: Planning & Building Department, with direction of City Council and Planning Commission.”

From: [Randolph Wu](#)
To: [Jen Cavanaugh](#); [Betsy Andersen](#); [Conna McCarthy](#); [Jennifer Long](#); [Tom Ramsey](#)
Cc: [Kevin Jackson](#); [Pierce Macdonald](#); [City Clerk](#)
Subject: Comments on Second Study Session for Moraga Canyon
Date: Friday, March 08, 2024 10:02:08 AM

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

Mayor Cavanaugh, Vice-Mayor Andersen and Council members McCarthy, Long and Ramsey,

Thank you for sponsoring the second study session ably presented by the City's expert team. I learned a lot (and know that the time was best spent for discussion among council members). Here are some thoughts based on my observations over the last three years of Piedmont's role in the Bay Area's housing crisis and its reluctant compliance with RHNA.

1. Piedmont can and should be part of the solution to the housing shortage rather than relying on other East Bay cities stepping forward to build more affordable housing. The City has permitted plenty of ADUs suitable for single occupants and as a complement now needs to build larger homes especially for family households limited to affordable incomes.
2. The desire for mixed income or "integrated" housing may be best met by building affordable multi-family housing (MF) not only in Moraga Canyon but also in other areas of the City. The City Council should focus on getting this first MF project done. In my opinion the only **feasible** affordable housing site in this sixth cycle is in the Moraga Canyon area. Piedmont is well behind other cities in its adoption of MF programs; for this reason developers have more attractive opportunities in other cities with proven track records supporting MF development.
3. The Moraga Canyon specific area study identifies the key variables and trade-offs. The City has a thorough comparison of the four primary options and can with confidence pick the best path forward. While your choice may not be "something for everyone", you can reach a sound decision for the community based upon urban planning, schedule, financing and environmental impacts. Based on this study, you should issue a RFP as soon as possible and solicit proposals from developers for housing development.
4. You undoubtedly would like to have a broad consensus based upon a win-win-win. If there was a realistic option for timely construction of a MF project, an expanded soccer field and a modernized Corp Yard then that would be an easy choice. Unsurprisingly there are schedule trade-offs and significant financial costs for the MF project if other desired community projects are attached. **In particular Piedmont's A-1 bond allocation may be jeopardized.** This should be avoided. The MF project must be the first priority unencumbered by unrelated improvements.
5. Piedmont is an economically segregated community. While some believe that location of a MF project in Moraga Canyon would be wrong, to me that is a "through the looking glass" perspective. The residents in affordable housing will be a small minority in Piedmont. The communal support from living in the same building will be highly preferable to a scattering of low income households among different neighborhoods. A single family living in subsidized housing among more affluent neighbors likely would feel isolated. We all know the history of school integration in the U.S. and the brave children that enrolled, bused and then were jeered as they walked through the doors of segregated schools. That will not happen in Piedmont. But 60 families living together in the first MF project is a very good outcome that will create a strong family community and break down a century of housing barriers in the City.
6. The Piedmont community wants to help its schools which have significant financial and recruitment challenges. The benefit of adding another 30 market rate units to the Moraga Canyon specific plan should be considered not only for improved economics, but also for the possibility to add **moderate**

income housing for PUSD employees that make more than the low income limit. In other words 10 of the 70-100 market units could be reserved for teachers on moderate incomes **if** PUSD and its philanthropic partners can contribute the lost margin (RLV) from converting 10 market units to moderate income units. There may be no better opportunity for PUSD to reserve housing for teachers. This potential inclusion of moderate income housing need not be decided now and should be explored through a RFP from developers. But if the City decides to add 30 dwelling units to the Moraga Canyon area because it is likely to enable a break-even outcome, then PUSD should be given an opportunity to step in and subsidize moderate income housing for its teachers.

7. The Fehr & Peers transportation report definitively lays to rest **all** concerns that have been raised about increased traffic. As someone who has biked up Moraga Ave. at 5-6 MPH, I applaud the road improvements that will ensure traffic safety for pedestrians, cyclists and cars. While some may prefer an up to 40 MPH speed for a quicker commute, I support "traffic calming" measures that will ensure safety for those that live, work and play in the Moraga Canyon neighborhood.

Summary

This is a momentous decision for Piedmont. As you deliberate I expect you will try to reach a consensus that meets the desires of everyone in the community. In my opinion a consensus is not possible in Moraga Canyon as those that insist upon preservation of all open space at Blair Park will not yield any ground for housing. Some open space can easily be preserved in Blair Park **with** housing development, but that concession will not be enough for them. If there is a strong desire in the community for more recreational space, the City should look to the large, undeveloped area below the Piedmont Reservoir. This secluded area is a much better recreational prospect when compared to Blair Park, a narrow, lightly used park adjoining an arterial road.

Last, after weighing the competing interests in new housing, enhanced recreation, modern city facilities and the status quo, if your vote upsets one or more constituencies, then you will have done the right thing. I respect the opinions of others that favor the status quo lifestyle, but I urge you to move forward with MF Option 1, with an additional 30 dwelling units, as the best overall choice for Piedmont and the broader community we all must live in together.

Randy Wu
York Drive

March 11, 2024

Dear Members of the City Council:

We are writing to provide input on the Moraga Canyon Specific Plan. We are a group of Piedmont residents eager to see the city move forward with its legal and moral obligation to create affordable housing in our community, as other East Bay cities already have done.

We are grateful to Piedmont's leaders, city staff, and consultants for the robust analysis and informative study sessions that you have hosted. As the City Council moves towards recommending a path forward at Moraga Canyon, we urge you to keep one principle foremost: **The purpose of the Specific Plan is to enable housing to be built.** Program 1.L of the City's Housing Element states: "The first goal [of the specific plan] is to enable construction of housing at a minimum of 132 units,... [including] a minimum of 60 units of housing affordable to households earning less than 80 percent of the area median income (AMI)." The Housing Element goes on to list other secondary goals, including improved safety, updating of public works and recreational facilities, pedestrian and vehicular circulation improvements, and landscaping.

Any plan that does not lead with housing, and instead prioritizes building an expanded soccer field, a new corporation yard, or other amenity, misses the mark and potentially puts the City in violation of state Housing Element law. Using this criterion, we believe that of the options presented by the City's Specific Plan consultants, Options 2, 3 and 4 should be removed from consideration, since they all require the city to come up with millions of dollars for non-housing amenities and infrastructure, such as a new soccer field or a new corporation yard, before any housing is built. These plans would postpone the construction of housing for a decade or more, if not forever.

Option 1 (building on the vacant lot on the south side of Moraga Canyon) is the only viable plan that puts housing first, and that realistically will accomplish the goal of creating housing in this housing cycle. (Option 2 might be acceptable if the City is willing to reverse the two phases—that is, by beginning to develop housing on Coaches Field before the completion of a new replacement soccer field. The current Option 2 schedule would postpone housing construction until a multi-year soccer field development has been completed.)

It would be a tragicomedy—and all too predictable—for a town like Piedmont to set out with the intention to build affordable housing, and end up with a plan in which we build ourselves a new deluxe soccer field, and then run out of steam (as well as the collective will to pass new bond measures and parcel taxes) to construct housing. A central goal of state law is to break the century-long pattern of enclave communities such as ours erecting invisible barriers to

building housing, as well as hoarding resources and tax dollars that only serve ourselves and not the wider public interest. There are many ways for affluent communities to kill affordable housing. Zoning is one. Saying “we want housing” but not if it increases traffic, noise, or costs anything is another. Saddling a development with unrealistic required amenities is yet another.

State law requires cities to maintain their Housing Element site inventories. Specifically, the law requires that sites on the inventory have “realistic and demonstrated potential for redevelopment during the planning period.”¹ If a site on the site inventory is found to be incapable of allowing for the number of units anticipated, or is made unviable by City action (such as placing unrealistic requirements on the plan), then the City will be obligated to find a replacement site to meet the required capacity. While the City does not have control over sites owned by private owners, it does have control over City-owned sites, and failure to develop a City-owned site may invite additional scrutiny by HCD. In fact, during its review of the draft Housing Element, HCD urged the City to discuss “the extent existing uses impede additional development [at the Moraga Canyon site], including timing of potential relocation or similar activity, *any known conditions that preclude or affect the timing or feasibility of development in the planning period* and potential schedule for development.” HCD then required that based on this analysis, the City add or modify policies in the draft element “with a schedule of actions to *facilitate development in the planning period.*”²

Likewise, state law mandates jurisdictions to remove governmental constraints to housing development.³ If the City were to impose new constraints on the development of housing in Moraga Canyon by requiring expensive recreational and institutional facilities that have no relationship with the proposed housing and are not intended to address any of the impacts that the housing may cause (whether fiscal or environmental), HCD will likely regard this unfavorably, as a potential violation of the City’s commitments under the adopted Housing Element and its obligations to affirmatively further fair housing. As you know, “HCD has authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes failure to implement program actions included in the housing element.”⁴

¹ The site inventory must have “realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing.” (Gov’t Code Section 65583(a)(3).)

² Letter from Paul McDougall, Senior Program Manager at the California Department of Housing and Community Development, to Kevin Jackson, Director of Planning & Building Departments, City of Piedmont, dated February 16, 2023, Appendix, pages 4-5 [emphasis added].

³ Gov’t Code Section 65583(a)(5) and (c)(3); see also HCD’s *Building Blocks, A Comprehensive Housing-Element Guide to assist jurisdictions in creating comprehensive housing elements*, available at www.hcd.ca.gov.

⁴ HCD accountability and enforcement page, citing Government Code sections 65580-65589.11 available at www.hcd.ca.gov.

In conclusion, we urge the City to be clear as it deliberates that **housing is the priority**. To realize this goal, street improvements and traffic calming measures that ensure pedestrian, bicycling and vehicular safety, as well as emergency egress, are absolutely essential. Recreational amenities that serve existing and new residents, such as a playground and walking paths, can and should be part of the plan. Getting a new soccer field and/or a modern corporation yard would be nice, but they are not the reason for the plan, and we must be careful not to get sidetracked and let our desire for these add-ons prevent us from building housing.

Thank you for your consideration.

Yours truly,

Irene Cheng
Andrea Ruiz-Esquide
Elise Marie Collins
Frances Fisher
Randy Wu
Deborah Leland
Susy Struble
Andy Madeira
Alice Talcott
Jessica Burke
Sarah Karlinsky
Carol Galante
Jill Lindenbaum

Dear Members of the City Council, and Members of the Moraga Canyon Specific Plan Consulting Team:

I am writing to provide additional input on the Moraga Canyon Specific Plan. I strongly believe that affordable housing is a key component of any vibrant community, and I am eager for its development in Piedmont. I attended the March 1 City Council workshop, however, and I was concerned that the City may be veering in the wrong direction to achieve this goal.

First, I was alarmed by the lack of adherence to the key purpose of the Specific Plan, which is to enable housing construction in Moraga Canyon. Housing cannot be secondary, or contingent upon amenities. A group of us has submitted a letter emphasizing this point more thoroughly.

Relatedly, the consulting team seems to have lost sight of the scope of services for preparation of the Specific Plan, which directs the consultants to provide: “Detailed guidance on phasing and subdivision that accommodates the 60 units of lower-income housing and 72 units of above moderate-income housing . . . and that prioritizes and expedites the identification of a site for the development of affordable housing that meets the criteria and timelines to secure Alameda County Measure A-1 funding” (emphasis added). This critical local subsidy allows an affordable housing development to be competitive in securing state and federal subsidies which in turn increase the capacity of the affordable housing development to cover the infrastructure costs related to that development. Given council members’ keen focus on impacts to the City’s General Fund, retaining Measure A-1 funding should be front of mind. The only chance that the City has to retain this valuable subsidy is to adopt a Specific Plan and promptly proceed with an RFQ to select a developer who can immediately obtain control of the designated affordable housing site.

At the March 1 workshop, multiple council members seemed to favor Option 2. As an occupant of one of the 50 or so Piedmont homes on the north side of Moraga, I also appreciate the benefits of Option 2 from a land use and planning perspective. However, in its current form Option 2 does not meet either of the key criteria above, due to the \$5 million funding gap and the proposed phasing. Therefore, I would like to offer some ideas that could facilitate the phasing for Option 2 being reversed (i.e., to provide the developer control of the site designated for affordable housing immediately upon the City’s selection of its development partner).

First, I would like to note that under Option 1 (or Options 3 or 4), if funds to improve Coaches Field were obtained and that project were to move forward, the existing softball and soccer fields would be out of service for the duration of that construction. Thus, there is nothing that mandates that replacement field space be completed (or even started) before housing construction could begin on the existing Coaches Field site. The Specific Plan could simply allow for each subsite of Option 2 to begin once funding for that subsite is secured. It will likely take about two years following site control for an affordable housing developer to be ready to start construction, and the City could work with the Piedmont community to raise funds for development of recreation facilities on the Blair Park site during that period.

However, I recognize that turning over control of the existing fields before funding is secured for new fields could create fear among the community that those recreational facilities would be lost entirely. Therefore, I believe the City Council needs to be able to see its path forward to financial viability of the full plan if it is to proceed with this option.

Here are some considerations to improve the financial feasibility of Option 2:

- **Allow flexibility on the size of the playfield to be developed at Blair Park.** The current Coaches Field has limited usefulness given its poor drainage, lack of lighting, and small soccer field, so creating a year-round playable turf field of comparable size at Blair Park would still be a huge benefit for the community. Furthermore, my recollection of the 2010 Blair Park proposal for a 300' x 150' playfield was that it seemed too big for the site, creating significant visual and grading impacts. (I think the same is likely true for a field of that size on the existing site, by the way.) The City could still hold on to the idea of a U14 field as a "wish list" item should additional funding become available.
- **Allow flexibility in building types, density and height to increase the residual land value and maximize the value of land features on the north side of Moraga.** Specifically, the skate park area offers spectacular views of the bay and easy pedestrian access to schools. The highest value use of this portion of the site could very well be lower density for-sale housing, and the Specific Plan should allow for this valuable area to be parceled off and sold for market rate homes at a density that maximizes the total land value. To offset that lower density housing, explore siting a taller structure where the site topography provides natural screening, such as the portion at the mouth of Red Rock Rd where Option 2 currently shows parking.
- **Expand the developable land area at the mouth of Red Rock Road** by slightly realigning Moraga Ave to the south, from where the steep hillside on the south side retreats to just below the driveway for 911 Moraga Ave. One commenter at the March 1 workshop introduced the idea of moving the entire Moraga Ave ROW to run along the southern edge of the Specific Plan area. While I don't think this is practical given the two or three homes whose driveway access is via the north side of Moraga Ave between Red Rock Rd and Maxwellton, it seems possible at the western edge of the plan area, and could create a desirable site for a taller apartment building.

If some combination of all these modifications to Option 2 result in a financially feasible plan, then the City could choose this option and allow a developer immediate site control of the designated affordable housing site. This is the only way that Option 2 would meet the primary objective of the Specific Plan and preserve the availability of the valuable Measure A-1 subsidy (if the City moves quickly). Otherwise, the City must either pledge City funds to cover the gap (which it seems disinclined to do), or select Option 1. Failure to do so would be a failure to adhere to the Housing Element's purpose to enable housing.

Thank you for your consideration,

Deborah Leland