

City of Piedmont
CALIFORNIA



MEMORANDUM

DATE: December 11, 2023

TO: Planning Commission

FROM: Pierce Macdonald, Senior Planner

SUBJECT: Study Session – Draft Environmental Impact Report and Amendments to the General Plan

AGENDA ITEM NUMBER 3

RECOMMENDATION:

This agenda item provides for a study session related to two documents: 1) General Plan amendments necessary for consistency with Piedmont’s recently adopted 6th cycle Housing Element for the 2023-2031 term; and 2) the Draft Environmental Impact Report (DEIR) prepared for the Housing Element Implementation project, which includes proposed amendments to the City of Piedmont General Plan, proposed revisions to the City’s Zoning Ordinance, and future changes. Proposed amendments to the Piedmont General Plan include changes to the Land Use, Environmental Hazards, Transportation, Design and Preservation, Community Services and Facilities, Natural Resources and Sustainability, and Parks, Recreation, and Open Space elements. This agenda item provides an opportunity for the Planning Commission to ask questions of staff. The Piedmont community is encouraged to attend and to comment on the draft documents. This is an informational item, and no action will be taken.

EXECUTIVE SUMMARY:

The City of Piedmont 6th Cycle Housing Element affirmatively furthers fair housing and accommodates the 587-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle through policies and programs outlined in the Housing Element. Public input that occurred over more than 3 years has been a critical component of the update process. This staff report provides a summary of implementing program 1.P, General Plan Amendments, of Housing Element goal 1, New Housing Construction, and policy 1.2, Housing Diversity and Housing Mobility. Proposed draft General Plan amendments would complete this housing program, as well as remove text that is no longer accurate, update background conditions information, correct text that is inconsistent with State law, and remove text that limits the City’s ability to satisfy its RHNA. This report presents general information on the DEIR prepared for the Housing Element Implementation Project and published on November 3, 2023.

DISCUSSION:

The Housing Element includes a housing plan that provides the steps the City will take to meet the housing production target of 587 new homes in a range of income categories by 2031. The housing plan is organized by goals, policies, and implementing programs. The Housing Element housing plan’s first goal is to promote new housing construction, and Housing Element policy 1.2, Housing Diversity and Housing Mobility, states the following:

“Policy 1.2: Housing Diversity and Housing Mobility. Maintain planning, zoning, and building regulations that accommodate the development of housing for households at all income levels. Strengthen Piedmont’s relationship to the Bay Area region for residents seeking greater choices and housing mobility, meaning greater opportunities to improve housing types, sizes, locations, and access to opportunities and amenities.”

The Housing Element implementing program for goal 1 includes program 1.P, General Plan Amendments. Program 1.P states as follows (with annotations provided by staff in [...]):

“Program 1.P, General Plan Amendments. To ensure consistency between the City’s General Plan and the Zoning Ordinance, the City will amend the General Plan to allow the uses and densities as proposed under the Housing Element in Programs 1.D [*Allow Religious Institution Affiliated Housing Development in Zone A*], 1.F [*Increase Allowances for Housing in Zone B*], 1.G [*Facilitating Multi-family Development in Zone C*], 1.H [*Increase Allowances for Housing in Zone D*], and 1.L [*Moraga Canyon Specific Plan*].

The deadline for completion of Housing Element program 1.P is stated as January 2026. However, the General Plan amendments must be adopted before the City Council can adopt the City Code amendments called for in programs 1.D, 1.F, 1.G, 1.H, and 1.L, as well as other amendments required by HCD to remain in compliance with State law.

To complete implementing program 1.P, City staff and consultants have prepared draft amendments to the following General Plan elements: Land Use, Environmental Hazards, Transportation, Design and Preservation, Community Services and Facilities, Natural Resources and Sustainability, and Parks, Recreation, and Open Space. The draft amendments were published to the City’s Piedmontishome.org website on December 6, 2023. Public comment is being requested from December 6 up to and including the Planning Commission meeting on January 29, 2024. Draft General Plan amendments are described in the section of this report entitled “General Plan Amendments,” below.

All of the Housing Element implementing programs, including the General Plan amendments and Zoning Code revisions, have been studied in the DEIR published on November 3, 2023, for the Housing Element Implementation Project. The DEIR is described in the section of this report entitled “Draft Environmental Impact Report (DEIR),” below.

General Plan Amendments

This section summarizes each of the elements and describes the proposed amendments.

Land Use Element: The Land Use Element is a guide for Piedmont’s future development. It designates the distribution and general location of land uses, such as residential, services, retail, open space, recreation, and public uses. The Land Use Element also addresses the permitted density and intensity of the various land use designations as reflected on the General Plan Land Use Diagram. The proposed amendments to the Land Use Element include updated background information to reflect current conditions, new policies and actions to modify land use

classifications, and changes to the Land Use Diagram (map) to maintain consistency with the policies and zoning amendments described in programs in the Housing Element. The proposed amendments increase the housing development potential of land in Piedmont, correspond to the proposed revisions to the Zoning Code, and remove text and terms that obstruct implementation of the housing programs. In addition, amendments are proposed to Figure 3.3, Land Use Diagram. Amendments to Figure 3.3 include changes to the sites that correspond with existing Zone C and Zone D boundaries, which have changed since 2009 or had been previously omitted, and changes to introduce a new land use designation and description for the Moraga Canyon Specific Plan.

Environmental Hazards Element: The Piedmont Environmental Hazards Element serves as the City's Safety Element and Noise Element, and it was last updated in 2019. The Safety Element is a required component of a city's General Plan that serves to reduce the potential short and long-term risk of injuries, death, property damage, and economic and social dislocation associated with potential hazards. The proposed amendments to the Environmental Hazards Element update include updated background information to reflect current conditions, address the requirements of new State legislation, and incorporates new policies based on updated local and regional data. The proposed amendments address the following legislative requirements:

- Approved in 2019, Senate Bill (SB) 99 requires jurisdictions, upon the next revision of the Housing Element on or after January 1, 2020, to review and update the Safety Element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. The Environmental Hazards Element update includes an assessment of residential emergency evacuation routes consistent with SB 99.
- Senate Bill 379 requires Safety Elements to include a climate change vulnerability assessment, measures to address vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy. In addition, Senate Bill 1035 requires cities and counties to update their Safety Element during a Housing Element or local hazard mitigation plan update cycle, but not less than once every eight years, if new information on flood hazards, fire hazards, or climate adaptation or resilience is available that was not available during the previous revision of the Safety Element. The Environmental Hazards Element update identifies populations vulnerable to climate change, updates the climate change projection information documented in the Piedmont Climate Action Plan 2.0, and includes new goals, policies and implementation actions addressing climate change.
- Senate Bill 1241 requires review and update of the Safety Element, upon the next revision of the housing element on or after January 1, 2014, as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones. The Environmental Hazards Element Update includes new goals, policies and actions related to fire hazard planning and preparedness consistent with CAL FIRE requirements.

Sections of the Environmental Hazards Element that are amended include Geologic Hazards, Flooding, Wildfire, Climate Change, Emergency Preparedness, and Goals, Policies, and Actions. In addition, the proposed amendments add new noise and vibration policies related to construction noise reduction and vibration control plans and remove text and terms that obstruct implementation of the housing programs.

Transportation Element: The Transportation Element addresses mobility, accessibility, safety, and other issues related to travel in and around Piedmont. Goals, policies, and actions in this element address the following major topics: mobility and transportation choice, traffic flow, public transit and carpooling, walking and bicycling, parking, and traffic safety. The proposed

amendments to the Transportation Element remove text and terms that obstruct implementation of the housing programs and include updated background information to reflect current conditions. Proposed amendments include new policy related to vehicle miles traveled (VMT) analyses and transportation demand management (TDM).

Design and Preservation Element: The Design and Preservation Element addresses Piedmont's character, appearance, and historic resources. The goals, policies, and actions in this element address the following key topics: city identity and aesthetics, residential architecture, yards and landscapes, archaeological resources, historic preservation, preservation advocacy, and awareness. The proposed amendments to this element would update background information to reflect current conditions and add policies related to historic resources assessment and treatment, archaeological resources assessment and treatment, and the treatment of tribal cultural resources. Proposed amendments in this element and others remove text and terms that obstruct implementation of the housing programs and conflict with State law. For example, the terms "character" and "community character" have been replaced or modified to refer to specific physical attributes of Piedmont, such as architecture or landscape setting, because "character" is difficult to define and may be used by cities to obstruct changes needed to provide a diversity of housing choices.

Community Services and Facilities Element: The Community Services and Facilities Element addresses Piedmont's municipal buildings, public safety services, educational facilities, and social services. It also covers infrastructure, including water, sewer, storm drainage, energy, and telecommunication facilities. The Community Services and Facilities Element addresses the following topics: city facilities, public safety (Police and Fire), educational services (schools and libraries), social services, infrastructure (water, sewer, storm drainage, and energy). The proposed amendments to the Community Services and Facilities Element include updated background information to reflect current conditions, including organizational changes, and additional and amended policies and actions, including Action 34.D, to prepare for increased demand for public services. Amendments would support housing for senior, special needs, and lower income residents.

Natural Resources and Sustainability Element: The Piedmont Natural Resources and Sustainability Element is the Conservation Element required under State law as a component of a city's General Plan. This element addresses the protection and management of the earth's climate and City's soil, water, air, and biological resources. It includes policies on creek protection, hillside grading, air and water quality, and management of the urban forest, which are essential not only to protect the health of the City's natural environment but also to protect the health and well-being of its residents. The proposed amendments to the Natural Resource and Sustainability Element remove text and terms that obstruct implementation of the housing programs, include updated background information to reflect current conditions, and propose additional and amended policies and actions focused on conservation of natural features, urban forest, air quality, water quality, sustainable development, resources, and the protection of special-status species.

Parks, Recreation, and Open Space Element: The Parks, Recreation, and Open Space Element addresses the following topics: park planning and management, park operations and maintenance, recreational programming, and joint use of City and School District recreational facilities. The proposed amendments to this element include updated background information to reflect current conditions and new policies and actions to support relocation of City services, facilities, and open space located on City owned land in Moraga Canyon, including the City corporation yard and vehicle storage area, Coaches Field, Kennelly Skate Park, and Blair Park, to facilitate development of 132 housing units and continue existing uses in potentially new locations (Housing Element

program 1.L). Amendments include a new action to study City owned land for possible new uses and declaration of surplus land by the City Council and amendments that remove text and terms that obstruct implementation of the housing programs.

Draft Environmental Impact Report (DEIR)

This section describes the Draft Environmental Impact Report (DEIR) that was prepared by the City of Piedmont pursuant to the California Environmental Quality Act (CEQA). A scoping meeting for the DEIR was held by the Planning Commission on March 1, 2022. The DEIR evaluates potential environmental impacts associated with the 2023-2031 Housing Element Implementation Project (“proposed project”). The proposed project includes amendments to the City of Piedmont’s General Plan and amendments to the Piedmont City Code (PCC) to implement the City’s 2023-2031 Housing Element. The DEIR evaluates environmental impacts associated with construction facilitated by the proposed project, as well as construction facilitated by a program to prepare a specific plan in the Moraga Canyon Specific Plan (MCSP) Area.

The DEIR document is a Program EIR. CEQA Guidelines Section 15168(a) states that:

“A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.”

The Introduction section of the DEIR, pages 1-1 to 1-10, discusses: (1) the purpose of the EIR; (2) the purpose and legal basis for preparing an EIR; (3) the type of environmental document prepared; (4) documents incorporated by reference; (5) future streamlining and tiering opportunities; (6) the public review and participation process; (7) EIR content; (8) the scope of the Program EIR; (9) the issue areas found not to be significant; (10) the lead, responsible, and trustee agencies pursuant to the California Environmental Quality Act (CEQA); and (11) an overview of the environmental review process required under CEQA. The proposed project is described in detail in DEIR Section 2, Project Description, pages 2-1 to 2-29.

The Environmental Setting section, pages 3-1 to 3-4, describes Piedmont’s existing environmental characteristics, and the Environmental Impacts Analysis section, pages 4-1 to 4.17-30, contains the bulk of the document. Other sections of the DEIR include Other CEQA Required Discussions, Alternatives, References, and Appendices.

The Environmental Impact Analysis section examined potential impacts in State-defined environmental topic areas. Many of the potential impacts evaluated in the DEIR have been determined to be mitigated by the new General Plan policies and actions (described in the section above) that will guide the City to manage growth. These new policies and actions were developed with the assistance of the DEIR consultants. The DEIR made the following conclusions:

- No impacts related to agriculture, forestry, and mineral resources;

- Less than significant impacts related to aesthetics, air quality, biological resources, energy, hydrology, water quality, land use, planning, population, housing, public services, recreation, and tribal cultural resources;
- Potentially significant but mitigatable impacts related to geology and soils, and hazards and hazardous materials; and
- Significant and unavoidable impacts related to cultural resources, historical resources, greenhouse gas emissions, noise, wildfire, transportation, utilities, and service systems.

Under CEQA, significant and unavoidable impacts means that the decision-making body must acknowledge that they are aware of and understand the impacts. In this case, if the City Council decides to adopt the EIR, the City Council would need to include a written statement explaining why the overall benefits of Housing Element Implementation project outweigh any adverse impacts, and that the City is willing to accept the impacts.

On December 9, 2021, and in conformance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City of Piedmont contacted California Native American Tribal governments by sending a notification letter via email to tribes with an affiliation with the project area based on a list provided by the Native American Heritage Commission (NAHC). Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. Under SB 18, Native American tribes have 90 days to respond to request consultation. The City did not receive a request for formal consultation under AB 52 or SB 18. Therefore, no California Native American Tribes traditionally or culturally affiliated with the project area have requested consultation pursuant to Public Resources Code Section 21080.3.1.

City staff encourages Piedmonters to read and provide comment on the DEIR (published on the homepage of Piedmontishome.org). Public comment on the DEIR may be submitted to Planning & Building Director Kevin Jackson from November 3, 2023 to 5:00 p.m. on December 18, 2023.

CONCLUSION:

The purpose of this study session is to study and increase familiarity with the proposed General Plan amendments and DEIR. A slide presentation on December 11, 2023 will accompany this staff report. Staff notes that the Planning Commission will consider a recommendation to the City Council at a special meeting on January 29, 2024, and under the Brown Act, the Planning Commission should not indicate a preference for or against the proposed amendments nor the DEIR at this time.

PERTINENT DOCUMENTS PROVIDED THROUGH HYPERLINK:

City of Piedmont 6th Cycle Piedmont Housing Element
[LWC Piedmont HEU Final 083123 compiled compressed.pdf \(civiclive.com\)](#)

Draft Environmental Impact Report
[Piedmont+2023-2031+HE+Implementation+Project_DEIR.pdf \(squarespace.com\)](#)

General Plan Amendments
<https://www.piedmontishome.org/event/planning-commission-meeting-3-c7992-6mm37i-t42dl-kwzk8-g8c65-dtf26-m494j-z9raf-r9par-gkkbj-tcede>