

PIEDMONT CITY COUNCIL

Special Meeting Minutes for Tuesday, November 15, 2022

A Special Session of the Piedmont City Council was held on November 15, 2022, both in person and via teleconference, in accordance with the provisions of Government Code 54953. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on November 10, 2022.

CALL TO ORDER

Mayor Teddy Gray King called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Teddy Gray King, Vice Mayor Jennifer Cavanaugh and Councilmembers Betsy Smegal Andersen, Conna McCarthy, and Jennifer Long

Absent: None

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Public Works Director Daniel Gonzales, Fire Chief David Brannigan, Planning & Building Director Kevin Jackson, Finance Director Michael Szczech, Senior Planner Pierce Macdonald, Deputy City Clerk Lisa Argue, and Assistant City Administrator/City Clerk John Tulloch

AGENDA

The Council considered the following item of special business:

Submission of Housing Element for State Review

City Administrator Sara Lillevand asked for the Council to consider a Resolution authorizing staff to finalize and submit the Draft 6th Cycle City of Piedmont Housing Element to the California Department of Housing and Community Development (HCD) for review. She believed that the recommendation reflected robust community engagement and Council input that guided and directed staff to prepare an appropriate draft Housing Element for submission.

Ms. Lillevand noted sixteen revisions proposed by staff as well as substantive changes resulting from Council's direction at meetings in which included: expand the Moraga Canyon Specific Plan Study Area to include all City-owned property along Moraga Avenue including Blair Park and initiate the process before the end of 2022, conduct analysis required to redistribute 74 lower income units from the Civic Center to 1221 and 1337 Grand Avenue in the sites inventory, conduct analysis to redistribute moderate income units from the Civic Center to parcels in zones C, D, and/or 801 Magnolia Avenue, conduct analysis to relocate above moderate income units from 1221 and 1337 Grand Avenue as needed to keep building height at or below five stories, and maximize the total and lower income Accessory Dwelling Unit (ADU) count in the sites inventory.

Ms. Lillevand shared that the analysis directed by Council supports the shift in the sites inventory discussed by Council in August 2022, indicated that the recommended revisions are the result of analysis conducted by Lisa Wise Consulting, EPS, and feedback from HCD. She relayed a proposed revised sites inventory table and map which will result in a distribution of 587 assigned Regional Housing Needs Assessment (RHNA) units throughout Piedmont, noting that 35 percent of the sites are scattered throughout the city, approximately 23 percent are on the Grand Avenue Corridor, twenty percent in Moraga Canyon, twelve percent on private properties in the City center on Highland Ave, and ten percent on Park Boulevard.

Lastly, she indicated that the purpose of this meeting is not to adopt a final housing element, rather to approve a draft to be sent to HCD for review. She reviewed the timeline and deadline for submission of the Housing Element as well as the fact that enforcement actions imposed by the State are being interpreted in new and more stringent ways. She restated the imperative that the City submit and receive comments back from HCD as soon as possible in order to adapt a Housing Element at or as close to the January 31, 2023 deadline as possible.

Kathryn Slama of Lisa Wise Consulting presented an update overview for the revised proposed 6th Cycle Housing Element. She noted the community outreach which had taken place since previous Council consideration of the draft housing element and summarized key changes since the draft presented on June 20, 2022. Additionally, Ms. Slama indicated that the sites inventory demonstrates that the City has adequate housing capacity.

Ms. Lillevand indicated that the City will be held accountable annually to the site inventory count, housing distributions are reflected throughout the City, challenges with siting lower income units due to parcel size requirements.

Councilmembers asked questions about the State's involvement in identifying high resource areas, Civic Center master planning with housing considerations, CEQA next steps and timeline, examples of non-substantive changes, and preservation and enhancement of existing uses in Moraga Canyon, as well as to provide opportunities for housing development and recreation space preservation.

City Attorney Michelle Marchetta Kenyon confirmed that neither tonight's recommended action nor the eventual approval of the housing element is a change to the City's zoning. She emphasized the consequences of not having a compliant, approved housing element by the deadline of January 31, 2023.

Public Testimony received from the following:

Ralph Catalano, Matt Heafey, Kevin Breen, Vincent Fisher, Eric Sullivan, Elise Collins, Deborah Leland, Mehrak Kiankarimi, Liz Lummis O'Neil, Andrea Ruiz-Esquide, Jill Lindenbaum, Irene Cheng, Rajiv Bhatia, Garrett Keating, Randy Wu, and Andy Madeira thanked the Council and staff for all their work on the Housing Element. Speakers noted areas they believed the housing element could be improved and made suggestions on policies and actions the City could take to maintain and enhance the character of the community while meeting the requirements of state law.

The Council thanked staff, the community, and community groups for all their work and input on the 6th Cycle Housing Element Draft. Vice Mayor Cavanaugh acknowledged the timeliness to move forward, local control, preserving the housing commitment, options, an openness to explore, an interest in recreational space, flexibility, an option for Civic Center development in the master planning, and public engagement.

Councilmember Andersen continued with her concern for staff time and resource, suggested lobbying for additional funding, preferred to leave the language as is for the Moraga Canyon Specific Plan, and expressed interest in an Impact Fee Program.

Councilmember McCarthy thought housing allocations in the Housing Element Draft were well incorporated into all parts of the City, recognized a need to embrace the HCD process, was comfortable with the current plan, and concurred that recreational space is paramount.

Councilmember Long expressed excitement for working together as a growing community with a joint vision.

Resolution No. 73-2022

WHEREAS, enacted in 1969, the State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires all cities and counties in California to prepare detailed plans to meet the housing needs of everyone in the community, and requires cities and counties to obtain California Department of Housing and Community Development (CA HCD) certification of each Housing Element; and

WHEREAS, Piedmont's prior Housing Element was last certified by CA HCD in 2014, and Government Code section 65588 requires local agencies to update their housing element at least every eight years; and

WHEREAS, in February 2021, the City Council established a Housing Advisory Committee to provide feedback on fair housing issues and on the conduct of the next Housing Element update; and

WHEREAS, the Association of Bay Area Governments (ABAG) adopted a final methodology and Regional Housing Needs Allocation (RHNA) for every local government in the Bay Area Region in May 2021, and the RHNA assigned to Piedmont was 587 new housing units across various income categories; and

WHEREAS, on May 3, 2021, the City Council approved a contract with Lisa Wise Consulting, Inc. (LWC), to prepare the next Housing Element update in conformance with State of California 6th housing element cycle requirements, and in July 2021, LWC representatives began stakeholder interviews; and

WHEREAS, the City has undertaken an innovative and robust public engagement process, using a wide variety of media and formats, in support of the Housing Element update process; and

WHEREAS, in March 2021, City of Piedmont launched a citywide Fair Housing Community Survey, a citywide postcard mailing, an interactive pinnable mapping tool (Social Pinpoint software), and Piedmontishome.org, a fair housing website and clearinghouse for Housing Element information, updates, and resources for community members; and

WHEREAS, in September 2021, the Planning Commission and the Housing Advisory Committee held a joint meeting to receive information about the requirements for Housing Elements and fair housing law, in September 2021, City decision-makers and staff participated in person at Piedmont community events to increase public awareness of the Housing Element process, and City staff hosted the Housing Element Community Workshop #1 on December 2, 2021, at which 80 people attended; and

WHEREAS, public engagement continued in 2022, as follows: in March 2022, the City installed 30 publicity banners for the Housing Element update on

Grand Avenue, Highland Avenue, and Moraga Avenue with Piedmontishome.org website information and text inviting the broader Piedmont community to participate in the Housing Element update; and a few days later, the City hosted the second Housing Element Community Workshop #2, at which the City launched the web-based Piedmont Housing Puzzle, a community planning tool with opportunities to comment on potential sites and allocate the RHNA housing units to selected sites and at various residential densities, and at which 73 people attended, and there were 1,050 new online sessions using the Piedmont Puzzle tool; and

WHEREAS, public engagement conducted for the Housing Element update has included regular news stories in local media, email newsletters to over 4,000 email subscribers, emails to the School District employees and City employees (Piedmont's largest employers), correspondence with Piedmont religious institutions, meetings with property owners in Zones A, B, C, and D, regular updates at public meetings of the Planning Commission, and posters at local businesses; and

WHEREAS, on April 8, 2022, the Draft 6th Cycle Piedmont Housing Element ("Draft Housing Element") was published to the City of Piedmont homepage and the City's housing website, Piedmontishome.org; and

WHEREAS, on March 15 and April 19, 2022, the Housing Advisory Committee met to consider the progress of the Draft Housing Element; and

WHEREAS, on May 4, 2022, City staff and the consultant team presented the Draft Housing Element at a regular meeting of the Park Commission, and on May 18, 2022, City staff and the consultant team presented the Draft Housing Element at a regular meeting of the Recreation Commission; and

WHEREAS, on May 12, 2022, the Planning Commission held a special public meeting to consider a recommendation to the City Council for the Draft Housing Element, and the Commission received a presentation by staff and the consultant team, received written and verbal public comment provided before and at the meeting, and at the conclusion of the meeting adopted a motion recommending City Council authorize staff to send the Draft Housing Element to California Housing and Community Development for its review, as well as recommending certain revisions to the text of the Draft Housing Element; and

WHEREAS, on June 7, 2022, City staff hosted a virtual public forum, called the Housing Element Town Hall, to answer questions and take public comment on the Draft Housing Element; and

WHEREAS, the City has begun the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA) that will study potential environmental impacts of the Draft Housing Element; and

WHEREAS, at a regular meeting on June 20, 2022, the City Council considered the Draft Housing Element and the Planning Commission's recommendations thereto, received a report by staff and the consultant team, and received written and verbal public comment from members of the Piedmont community, and, after reviewing the report, presentation, and all testimony and documentation submitted in connection with public comment, the Piedmont City Council directed staff to make revisions and provide further information to the Council; and

WHEREAS, during the week of July 25, 2022, City staff mailed an informational postcard to every property in Piedmont to publicize the Housing Element Update, including upcoming public meetings and information available on the fair housing website, Piedmontishome.org; and

WHEREAS, at a regular meeting on August 1, 2022, the City Council considered preliminary findings of the analysis requested on June 20, 2022, received a staff report, and received written and verbal communication from members of the Piedmont community, and after reviewing the report, presentation, and any and all testimony and documentation submitted in connection with public comment, the Piedmont City Council directed staff, as follows:

1. Expand the Moraga Canyon Specific Plan study area to include all City-owned property along Moraga Avenue, including Blair Park, and initiate the planning process before the end of 2022.
2. Conduct analysis required to redistribute 74 lower-income units from the Civic Center to 1221 and 1337 Grand Avenue.
3. Conduct analysis to redistribute 18 moderate income units from the Civic Center to parcels in zones C, D and/or 801 Magnolia Avenue.
4. Conduct analysis to relocate above-moderate income units from 1221 and 1337 Grand Avenue, as needed, to keep building height at or below 5 stories.
5. Maximize total and lower income ADU count.

WHEREAS, on August 18, 2022, City staff hosted an information session, entitled "Housing Element 102," in the City Council Chambers and in the Zoom virtual meeting format, and hosted a Housing open house in the City Hall courtyard; and

WHEREAS, on November 9, 2022, City staff hosted a Housing Element open house at Community Hall, which was widely publicized in local news media, at which approximately 40 people participated; and

WHEREAS, the City Council considered the Draft Housing Element at a special meeting on November 15, 2022, received a report by staff and the consultant team, and received written and verbal public comment from members of the Piedmont community, and, after reviewing the report, presentation, and any and all testimony and documentation submitted in connection with public comment, the Piedmont City Council finds:

1. The public engagement conducted for the Draft Housing Element has successfully reached broad segments of the Piedmont community, including residents in affected neighborhoods and people working, attending school, and visiting Piedmont from other areas.
2. The Draft Housing Element presents a reasonable and equitable approach to work with the private sector to enable the construction of new housing to meet the Regional Housing Needs Allocation of 587 new housing units in all income categories. The Draft Housing Element includes an additional 57 housing units beyond the 587 housing units required by the RHNA to ensure that the City reaches the RHNA goal, as CA HCD requests such a buffer.
3. The Draft Housing Element presents a thoughtful and careful consideration of the potential obstacles to growth in Piedmont and presents new policies and programs to consider removal or reduction of these obstacles.

4. The Draft Housing Element utilizes a sufficient realistic capacity for growth projections by using an 80% cap on projected growth, resulting from Draft Housing Element policies and programs, and by including a 9.7% buffer of surplus units above the RHNA of 587 housing units (57 housing units).
5. The Draft Housing Element affirmatively furthers fair housing by providing sites, policies, and programs that assure households of all incomes and social and racial backgrounds have access to high resources areas, economic and educational opportunities, and areas with low exposure to environmental hazards.
6. As outlined in the staff report and presentation, the Draft Housing Element complies with housing element law, as set forth in Government Code §§ 65302 and 65580, et seq.

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. The Piedmont City Council incorporates the findings set forth in this Resolution.

SECTION 2. The Piedmont City Council authorizes staff to submit the Draft Housing Element to the California Department of Housing and Community Development (CA HCD) for its review, incorporating revisions: 1) as reflected in Attachment A; 2) additional revisions directed by the City Council at the November 15, 2022 meeting; and 3) any non-substantive modifications necessary as suggested by HCD reviewers which are consistent with this approval.

SECTION 3. 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.

Moved by Long, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0515)

Mayor King recognized two years of hard work on the Housing Element, a collaboration of many voices, and steadfast movement on the commitment to provide housing, supported the recommendation by staff, and expressed pride for all the work done on this item.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 9:03 p.m.