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To: [City Council](#)
Cc: [Kevin Jackson](#); [Rosanna Bayon Moore](#)
Subject: Comment on City Council meeting on 3/18/24; item number 6, Moraga Canyon Specific Plan
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Dear Mayor Cavanaugh and members of the City Council -

Thanks for all your work so far preparing and adopting our Housing Element. We have made a significant process towards embracing our legal and moral responsibilities to encourage a diversity of housing types in our community, and start remedying decades of residential segregation in our City and the larger Bay Area. Along this process, I have felt proud to be a Piedmont resident. I look forward to our next milestones and to actually seeing multifamily affordable housing built in Piedmont.

As many of you know, I am a land use and environmental attorney with over 20 years of experience. I work as a Deputy City Attorney for another City in the Bay Area, where I advise on land use plans and developments, environmental compliance, and housing laws - including compliance with the Housing Element law. I mention this not to claim any special expertise, since I am submitting these remarks in my personal capacity only. I mention my years of experience and vantage point to make a larger, simpler comment.

Every day, as cities across the state fail to do everything in their power to facilitate housing construction, the social, environmental, economic and human consequences of the lack of housing multiply. The studies linking the housing crisis to homelessness are too many to cite. We need only go for a walk or a ride to understand what is going on. It is an emergency, and we need to act accordingly. The Department of Housing and Community Development (HCD) knows it is an emergency, and if pressed it will assertively enforce the laws, resulting in considerable penalties for municipalities, as well as loss of local zoning control. But it doesn't have to come to that. We can act acknowledging that it is indeed an emergency, and allow HCD to spend its resources to go after other, really recalcitrant cities. Piedmont is not that city.

With that in mind, I ask that you embrace Option 1 for the Moraga Canyon Specific Plan, and not leave the choice open for private developers to submit proposals choosing between Options 1 and 2. That will only create confusion and make a process that is already difficult even more opaque, expensive, and prone to fail. Option 1 is simpler and would allow the affordable housing component to move forward without delay, facilitating the use of the A-1 funds. On the other hand, the affordable housing component under Option 2 is contingent on moving Coaches Field and building a larger soccer facility, among other recreational facilities.

For that reason, I believe that Option 1 is fully consistent with the adopted Housing Element, which very states that the first goal of Program 1L, related to the creation of the Specific Plan, is to "enable construction of housing at a minimum of 132 units" [of housing], including "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." The document goes on to state that the RFP for the Specific Plan will include: "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.**"

In my view, only Option 1 meets these criteria, while Option 2 fails to meet the spirit and the letter of Program 1L, and creates the risk of delays and uncertainty. There is nothing wrong with the City seeking to improve its infrastructure or recreational facilities; however, building affordable housing should not be hostage to these other goals, however laudable and necessary. The Specific Plan should prioritize affordable housing, as mandated by Program 1L in the adopted Housing Element.

I am sorry that I cannot be there in person tonight to share these thoughts with you. I will try to call-in. But I know that during the meeting you will hear from many affordable housing experts and professionals and they will tell you that building affordable housing is hard. There are many moving pieces and getting financing is an art. Let's not encumber that already difficult process with additional costs and delays. It is an emergency.

Respectfully submitted,

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