

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, March 20, 2023

A Regular Session of the Piedmont City Council was held March 20, 2023, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on March 17, 2023.

CALL TO ORDER Mayor Cavanaugh called the meeting to order at 6:06 p.m. with the Pledge of Allegiance and announced no reportable action from the Closed Session.

ROLL CALL Present: Mayor Jennifer Cavanaugh, Vice Mayor Betsy Smegal Andersen and Councilmembers Jennifer Long, Conna McCarthy, and Tom Ramsey

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

CEREMONIAL ITEMS Mayor Cavanaugh congratulated the Piedmont High School Men's Soccer Team for winning for the second year the 2023 North Coast Section Championship and proclaimed March 20, 2023, as PHS Men's Soccer Team Day. Captain TJ O'Neil and Coach Todd Sullivan thanked the Council for recognizing the team.

Mayor Cavanaugh read a proclamation to recognize March 2023 as American Red Cross Month. Harry Hartman from the American Red Cross thanked the Council for the proclamation, described emergency and disaster relief responses, and encouraged the community to download the American Red Cross app for emergency notifications.

PUBLIC FORUM **Public Testimony** was received from Rob Kelly who inquired about the time period for building permits and Don Chandler who inquired about leadership and advocacy for the essential service building upgrades.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Minutes Approval of Council Meeting Minutes for 02/21/2023 and 03/06/2023

FY 2021-2022 Audited Financial Statements Acceptance of the FY 2021-2022 Audited Financial Statements (0100)

Replacement Radios Purchase Approval of the purchase of replacement radios for the Fire Department (0045)

There was no **Public Testimony** received.

Resolution No. 20-2023

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Andersen, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey

Noes: None

REGULAR AGENDA The Council considered the following item of regular business:

**6th Cycle Housing
Element**

City Administrator Sara Lillevand indicated that the public hearing is an important step in the 6th Cycle Housing Element adoption and will be technical and legal in nature. She reminded the Council of the importance of addressing the housing crisis and affirming a demonstrated commitment by the City Council, community, and staff to create a pathway for more housing in Piedmont. Ms. Lillevand recommended that the Council formally adopt Piedmont's 6th Cycle Housing Element. She indicated that the Lisa Wise Consulting (LWC) team will present what has happened since submitting the draft to the California Department of Housing and Community Development (HCD), including proposed responses to the State's comment letter. She noted that the structure and direction of the draft Housing Element remains intact without changes to the sites inventory, and thanked the residents of Piedmont who participated in the development of the Housing Element.

Planning and Building Director Kevin Jackson introduced staff, the LWC team, and the Rincon Consultants team.

Kathryn Slama of LWC presented an overview of the Housing Element update and recent timeline, HCD comments and responses, summary of key changes to Appendix A, Appendix B, and Appendix C, site inventory map, capacity summary table, new programs, and updates to Section 1.E.

David Bergman of LWC presented an overview of the key changes to Appendix F, racially or ethically concentrated areas of affluence in Alameda County, census tract analysis, site inventory and patterns of integration/isolation, and walking distance from the Moraga Canyon Specific Plan to public amenities.

Karly Kaufman of Rincon Consultants presented the California Environment Quality Act (CEQA) Draft Initial Study and Negative Declaration.

City Attorney Michelle Marchetta Kenyon indicated that she is of the opinion that the resolution before the Council regarding the Housing Element adoption is legally and substantially compliant with State housing laws.

It was noted that other jurisdictions have adopted similar CEQA resolutions for a Draft Initial Study and Negative Declaration and a Negative Declaration is the appropriate environmental review for a policy document. The program funding expectations, mechanisms, and resources were reviewed along with guidelines for program modifications and amendments, and estimated budget costs and human resource needs to implement objective design standards, code revisions, General Plan amendments, and the Moraga Canyon Specific Plan as set forth in the Housing Element. Furthermore, it was stated that none of the programs of implementation requires an amendment to the Charter or public vote. In addition, written program areas in the Housing Element for zoning amendments, recommendations, and some factors of the site inventory will need to be further developed during the implementation process. The Council discussed programming for honoring Affirmative Furthering Fair Housing (AFFH) in Appendix F, noted that proposed building heights outlined achieved the target densities, and support for the validity of the assumptions, modifications, and adding incentives took place with additional analysis. Additional topics discussed included the Accessory

Dwelling Unit (ADU) survey, appendix summarizing the public outreach process, Urban Planning Partners independent third-party review and importance, and goal of the 1-L program in the Moraga Canyon Specific Plan to identify a site for a multifamily low-income housing eligible for Measure A-1 funding.

Councilmember Andersen asked for clarification regarding the findings for non-vacant sites and discontinuing uses.

Ms. Kenyon indicated that when a city is using non-vacant sites for meeting its Regional Housing Needs Allocation (RHNA) numbers, State law requires a finding that present use of the site will be discontinued. Ms. Kenyon stated that a decision to relocate present uses to elsewhere can constitute discontinuation of the present use on a particular site.

Mayor Cavanaugh opened the public hearing at 8:11 p.m.

Public Testimony was received from:

Teddy Gray King who supported the forward movement of the 6th Cycle Housing Element, congratulated the Council, and thanked staff.

Jill Lindenbaum asked for more discussion and Council opinion about the discontinued use of commercial sites on Grand and Park Avenues.

Randy Wu inquired about the density bonus level being studied in the EIR to account for real estate costs and the realization of affordable housing.

Carol Galante expressed concern for relying on Moraga and Grand Avenues to satisfy the density requirements, noted the use of the Civic Center sites to fill anticipated capacity in a timely manner, and urged Council to reconsider putting the Civic Center sites back for consideration.

Mayor Cavanaugh closed the public hearing at 8:18 p.m.

The Council deliberated on the Discontinued Use finding of commercial sites on Grand Avenue in Zone D, clarified the use will discontinue in its current state with an opportunity for a reconfiguration. Staff noted that this state requirement came from past bad faith efforts where communities would identify sites that had no potential for redevelopment because the existing use was an impediment to development. Staff indicated that quantitative factors were considered to identify and demonstrate a latent economic value supported by owner interest on identified nonvacant sites with improvements on them that the existing uses would not be an impediment for redevelopment over the eight year planning period. It was clarified that the programmatic EIR will study maximum build out as allowed under the Housing Element. The Master Planning effort in the Civic Center can include housing, and there are no restrictions for a developer to approach the City or private property owner with a proposal.

Resolution No. 21-2023

RESOLVED, that the City Council approves Resolution 21-2023, on file in the City Clerk's Office, entitled "A Resolution Making Certain Findings and Adopting an Initial Study-Negative Declaration as Required by the California Environmental Quality Act in Connect With the Approval of a General Plan Amendment Adopting an Update of the Housing Element for the Period of 2023-2031."

Moved by Long, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey

Noes: None

(0515)

Resolution No. 22-2023

RESOLVED, that the City Council approves Resolution 22-2023, on file in the City Clerk's Office, entitled, "A Resolution Adopting a General Plan Amendment to Update the Housing Element of the General Plan for the Period of 2023-2031, Including Policies to Affirmatively Further Fair Housing, in Compliance with All Applicable State Laws."

Moved by Long, Seconded by Ramsey

Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey

Noes: None

(0515)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Long announced that the 6th Cycle Housing Element is approved by the City Council.

Vice Mayor Andersen announced openings on City commissions and committees, the application deadline on March 29, interviews on April 4, and information posted on the front page of the City website.

Councilmember Ramsey announced the upcoming 2nd annual Play Like a Girl event and Bunny Blast Egg Hunt and Title IX Jersey program award recognition for the Recreational Department.

Mayor Cavanaugh expressed thanks for the recent public safety update, announced the upcoming Piedmont Adult School Expo and 2nd annual Food Fest. She shared recycling goals from the Cal Cities Environmental Policies Committee Meeting and the work being done by the Our Neighborhood Voices Initiative on local control of housing laws. She attended the Civic Well conference with Councilmember McCarthy regarding sustainable policies.

ADJOURNMENT

There being no further business, Mayor Cavanaugh adjourned the meeting at 8:56 p.m.