

| Resolution _____ EXHIBIT B: City of Piedmont 6th Cycle (2023-2031) Draft Housing Element HCD Comments , February 16, 2023, and Responses | | | | | |
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| A. Review and Revision | | | | | |
| A.1 | | Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).) | | | |
| 1. | A.1.1 | While the element includes analysis of past programs’ accomplishments over the previous planning period (pp. D-19 to 24), it should also evaluate the cumulative effectiveness of the previous housing element’s programs to address the housing needs of special needs populations. | Expanded narrative to address the cumulative impact of 5th Cycle programs on Special Needs populations. | Appendix D: Evaluation of the 2015-2023 Housing Element | pp. D-19 - D-24 |
| B. Housing Needs, Resources, and Constraints | | | | | |
| B.1 | | Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).) | | | |
| 2. | B.1.1 | <u>Outreach and Enforcement:</u> While the element mentions the City does not have any pending legal matters related to fair housing laws such as lawsuits or settlements (p. F-3), it should also discuss how the City proactively complies with fair housing laws and regulations. Examples include Government Code sections 65008 and 8899.50. For additional information, please see HCD’s guidance memo at https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing . | Added list of ways that the City proactively complies with fair housing laws, including direct references to State law. | Appendix F: Affirmatively Furthering Fair Housing (Section F.2.2) | pp. F-8 - F-9 |
| 3. | B.1.2 | <u>Income and Racially Concentrated Areas of Affluence (RCAAs):</u> While the element includes some broad discussion of RCAAs (p. F-15), it should include specific analysis of income and RCAA at a regional level (City compared to the broader region). The analysis should at least address trends, coincidence with other fair housing factors (e.g., race, highest resource, overpayment), effectiveness or absence of past strategies (e.g., lack of publicly assisted housing and lack of multifamily zoning), local data and knowledge and other relevant factors such as past zoning or local initiatives (see below). The element must add or modify significant and meaningful programs based on the outcomes of this analysis, including actions to improve housing mobility within and beyond City boundaries that are not limited to the regional housing need allocation (RHNA). | Added region-wide RCAA map and additional language discussing the relationship of City in influencing regional trends. Included reference to housing element programs which help promote housing mobility and access to opportunity for all income levels. Analysis did not identify any new outcomes to warrant new programs. | Appendix F: Affirmatively Furthering Fair Housing (Section F.2.4) | pp. F-23 |
| 4. | B.1.3 | <u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH):</u> The element generally discusses identified sites relative to socio-economic categories. For example, the element notes 100 percent of sites intended for lower income households are identified in the highest resource TCAC category and are not located in concentrated areas of poverty but the entire City is the highest resource category and the City does not have any concentrated areas of poverty. Instead, to evaluate whether the inventory AFFH, the analysis should address the location (e.g., neighborhoods, planning areas), number of units by income group, magnitude of the impact and, particularly, any isolation of the RHNA then evaluate how the identified sites are expected to improve and/or exacerbate fair housing conditions. For example, a large portion of the lower-income RHNA is isolated in three remote areas on the boundaries of the City yet a significant portion of the moderate and above moderate RHNA is located throughout the City. The element should evaluate these patterns and based on the outcomes of this analysis, consider identifying additional sites and add or modify programs to promote housing mobility throughout the City (Not limited to the RHNA). | Added new maps and other data illustrating proximity of Sites Inventory to public transit and other local services/amenities, demonstrating the proximity of sites in the inventory to services and amenities and that the sites inventory does not concentrate RHNA in any isolated or remote parts of the community nor exacerbate any patterns of segregation or isolation. | Appendix F: Affirmatively Furthering Fair Housing (Section F.3.2) | pp. F-52 - F-53 |
| 5. | B.1.4 | <u>Local Data and Knowledge:</u> The element includes state and federal data but must utilize other sources of local data and knowledge to supplement the data and mapping including planning documents such as locally adopted ordinances, other elements of the general plan, infrastructure assessments, and mobility assessments to fully describe the impacts on fair housing patterns and trends at a local and regional level. | Added new Section F.2.1 (History of Fair Housing Issues in Piedmont) to incorporate local knowledge; other additions made throughout Appendix F where relevant. | Appendix F: Affirmatively Furthering Fair Housing | pp. F-4 - F-7 |
| 6. | B.1.5 | <u>Other Relevant Factors:</u> While the element includes analysis with regards to fair housing on some factors, such as rates of home ownership by race and ethnicity (p. F-31), it must include other relevant factors that contribute to fair housing issues in the jurisdiction, such as zoning, growth control measures, and other initiatives. For instance, the element can analyze historical land use and investment practices, the City Charter, or other information and demographic trends. | Added new "Housing Units by Type" section to examine cumulative impact of predominance of single-family housing. | Appendix F: Affirmatively Furthering Fair Housing (Section F.2.7) | pp. F-41 - F-42 |
| 7. | B.1.6 | <u>Contributing Factors to Fair Housing Issues:</u> Upon a complete AFFH analysis, the element must assess and prioritize contributing factors to fair housing issues and add or modify programs as appropriate. | Additional analysis did not yield any new findings regarding AFFH. Other programs are updated (see responses below). | Appendix F: Affirmatively Furthering Fair Housing | See updated housing programs below. |

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| B.2 | | | <i>Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)</i> <i>Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)</i> <i>Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i> | | |
| 8. | B.2.1 | <u>Overpayment</u> : While the element identifies the total number of households overpaying for housing (pp. A-54 and 55), it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate. | Added analysis of overpayment for lower income households by tenure, added new table A-19, referenced housing element programs to address this need. | Appendix A: Demographics and Housing Needs Assessment (Section A.5.3) | pp. A-63 - A-64 |
| 9. | B.2.2 | <u>Extremely Low-Income Households (ELI)</u> : While the element includes some information on ELI households relative to race, it should also evaluate tenure, overpayment, resources and strategies available and the gap and magnitude of housing needs to better formulate policies and programs. | Added narrative regarding overpayment by tenure for extremely low-income households; noted the current availability of and proposed new resources for ELI households; and added new table A-19 showing cost burden. | Appendix A: Demographics and Housing Needs Assessment (Section A.5.3) | pp. 73 - 74; pp. A-63 - A-64 |
| 10. | B.2.3 | <u>Housing Costs</u> : While the element includes information on sales and rental prices (pp. A-52 to 55), rental information from the American Community Survey does not fully reflect market conditions and the element should include additional data sources (e.g., Zillow, Apartments.com). | Added narrative regarding currently available for sale and rental units; added new tables A-17 and A-18 showing units available by unit type and rental prices based on Zillow research conducted in March 2023. | Appendix A: Demographics and Housing Needs Assessment (Section A.5.2) | pp. A-54 - A-59 |
| 11. | B.2.4 | <u>Special Housing Needs</u> : While the element quantifies (pp. A-28 to 38) the City’s special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. | Added and expanded narrative and analysis of housing challenges for several special needs populations; added narrative pointing towards the Housing Element programs addressing needs/gaps faced by several special needs groups. | Appendix A: Demographics and Housing Needs Assessment (Section A.3.4) | pp. A-22 - A-41 |
| B.3 | | | <i>An inventory of land suitable and available for residential development, including vacant sites and sites having 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. (Gov. Code, § 65583, subd. (a)(3).)</i> | | |
| 12. | B.3.1 | <u>Realistic Capacity</u> : The estimate of the number of units for each site must be adjusted based on the land use controls and site improvements and other factors. The element appears to identify sites with zoning that allows 100 percent nonresidential development. If so, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential development. For example, the element could discuss existing or planned residential performance standards (e.g., 50 percent of development required to be residential), examine how often 100 percent nonresidential development occurs in the pertinent zone and adjust calculation accordingly or enhance policies and programs to encourage residential development. | Added new program 4.U. to modify findings for Conditional Use Permits. Updated Program 1.H to waive ground floor use requirements for residential in Zone D. Added explanation that 100 percent nonresidential development does not occur in Piedmont trends, and the existing assumptions are valid for capacity in Zone D. Also provided additional information regarding property owner interest in redevelopment as multi-family. | Appendix B: Housing Capacity Analysis and Methodology (Section B.2.3) | pp. B-7 |

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| 13. | B.3.2 | <u>Infrastructure:</u> The element describes infrastructure concerns and limitations (p. C-30) such as water and sewer line retrofits and upsizing. However, it must also demonstrate sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need. | Expanded discussion of existing infrastructure capacity and confirmed that there is adequate infrastructure to serve the Piedmont community | Appendix C: Housing Constraints (Section C.3.7) | pp. C-3- to C-39 |
| 14. | B.3.3 | <u>Large Sites:</u> Sites larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income households unless sites of equivalent size and affordability were developed in the prior planning period or other analysis demonstrates the suitability of these sites. The element identifies one large site of 11.9 acres (p. B-25). However, the element must also demonstrate the suitability of this site as described above. For example, the element could discuss how parceling will facilitate development with units affordable to lower-income households or how the housing will be incorporated into the overall development as part of a mixed-income approach. Based on the outcomes of this analysis, the element must add or modify programs to encourage housing for lower-income households on large sites. | Expanded narrative on opportunities for parcelization and provided additional details regarding the Surplus Lands Act, RFP for the Specific Plan, and how the site will be developed | Appendix B: Housing Capacity Analysis and Methodology; Section B.3.3 | pp. B-25 |
| 15. | B.3.4 | <u>Nonvacant Sites:</u> The element describes the methodology for selecting nonvacant sites with residential development potential (p. B-9). However, to demonstrate the potential for redevelopment, the element should be revised, as follows: | See responses as follow immediately below. | Appendix B: Housing Capacity Analysis and Methodology; Section B.2.3 | pp. B-14 to B-21 |
| 15.A | B.3.4 | <u>Extent Existing Uses Impede Additional Development:</u> The element broadly describes potential for development based on parking areas and the age of structures but should further evaluate the existing uses to demonstrate the potential for redevelopment. For example, the element should describe whether the existing uses are anticipated to be razed or if the site will be intensified with existing uses remaining and if so, whether the needed parking is an impediment. The element should also discuss any indicators that the properties will turnover in the planning period such as property owner or developer interest, expiring leases, vacancy, marginal operations, lack of improvements or lack of market demand for the use. | Added description of existing use, recent improvements, and evidence of owner interest in redevelopment to all non-vacant sites at all income levels. No site presents an impediment to redevelopment in the planning period based on this additional analysis. | Appendix B: Housing Capacity Analysis and Methodology; Section B.2.3 | pp. B-14 to B-21 |
| 15.B | B.3.4 | <u>Development Trends:</u> The element lists several recent developments on nonvacant sites and concludes based on these trends, the identified sites will redevelop in the planning period. However, the element should support this conclusion by discussing how the characteristics of recent developments relate to identified sites. For example, the element lists a recent development on a site with an office building but should discuss the similarity to the identified site. For example, the element could discuss how the office building was a two-story building with operating offices, included a similarly situated parking lot and how the parking was replaced. | Provided additional information in Table B-9 describing the similarity of sample projects and the existing conditions for non-vacant sites, as well as the similarity of the projects with what is allowed in Piedmont | Appendix B: Housing Capacity Analysis and Methodology; Section B.2.3 | pp. B-14 to B-21 |
| 15.C | B.3.4 | In addition, if the element relies on nonvacant sites to accommodate more than 50 percent of the Regional Housing Needs Allocation (RHNA) for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) For your information, absent findings in the resolution as part of adoption based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. | City will make necessary findings in resolution | n/a | n/a |
| 16. | B.3.5 | <u>Publicly-Owned Sites:</u> The element identifies four City-Owned parcels to accommodate a large portion of the City’s lower-income RHNA and includes some broad discussion of the site characteristics and anticipated specific plan process. However, the element should specifically discuss the extent existing uses impede additional development including timing of any 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. Based on this analysis, the element should add or modify programs with a schedule of actions to facilitate development in the planning period. | Added additional description of the site conditions, the in progress RFP for the Specific Plan, and demonstrate exiting operations (under City control) do not present an impediment to redevelopment. Based on the analysis additional programs were not warranted. Program 1.L was updated with more detail and modified with new timeframes for implementation. | Appendix B: Housing Capacity Analysis and Methodology (Section B.3.1) | pp. B-25 |

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| 17. | B.3.6 | <p><u>Environmental Constraints:</u> While the element generally describes a few environmental conditions within the City (p. C-29), it must describe how these conditions relate to identified sites including any other known environmental or other conditions (e.g., shape, easements, relocation, parking replacement) that could impact or preclude housing development in the planning period.</p> | <p>Added analysis regarding the Moraga Canyon Specific Plan since it is the only site in the site inventory which could potentially be impacted by environmental constraints; added analysis regarding infrastructure constraints for development on water, sewage, and stormwater.</p> | <p>Appendix C: Housing Constraints (Section C.3.5)</p> | <p>pp. C-37 - C-41</p> |
| 18. | B.3.7 | <p><u>Accessory Dwelling Units (ADU):</u> The element may utilize ADUs toward the RHNA based on past trends, affordability, resources and incentives and other relevant factors. While the element discusses ADU assumptions toward the RHNA based on past trends, it should also discuss other relevant factors and adjust assumptions as appropriate. Specifically, the analysis should account for the availability of the units for occupancy which was a key issue in the prior cycle as noted in the review and revise portion of the element (See Program 1.D – p. D-4). The analysis should incorporate the information gathered from the prior planning period, adjust assumptions as appropriate and if necessary, identify additional sites. In addition, for your information, HCD reviewed the City’s ADU ordinance and noted some areas inconsistent with statutory requirements. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add or modify existing programs to ensure the City’s ADU ordinance will be updated to comply with state law.</p> | <p>Added program 3.H to monitor ADU affordability and occupancy to support assumptions and make adjustments as needed pending the results. Added program 1.S. to confirm the ADU ordinance complies with State ADU law and will make any adjustments as needed. Maintained ADU unit assumptions.</p> | <p>Appendix B: Accessory Dwelling Unit estimates</p> | <p>pp. B-5</p> |
| 19. | B.3.8 | <p><u>Electronic Copy of the Sites Inventory:</u> For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p> | <p>Will provide electronic form after adoption.</p> | <p>n/a</p> | <p>n/a</p> |
| 20. | B.3.9 | <p><u>Zoning for a Variety of Housing Types (Emergency Shelters):</u> The element mentions emergency shelters are permitted in Zone B (p. C-10). However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. In addition, subsequent draft submissions may need to comply with the requirements of Chapter 654, Statutes of 2022 (AB 2339). For more information on timing requirements and these new statutory requirements, please see HCD’s memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf.</p> | <p>Added narrative clarifying that emergency shelters are permitted by-right and discusses available development acreage; added narrative on the proximity of emergency shelters to amenities; added new figure C-1 to display the parcels allowing emergency shelters by-right. Added new program 4.V to allow emergency shelters as an accessory use to religious facilities in Zone A.</p> | <p>Appendix C: Housing Constraints (Section C.2.2.4)</p> | <p>pp. C-12 - C-14</p> |
| B.4 | | <p><i>An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)</i></p> | | | |
| 21. | B.4.1 | <p><u>Site Improvements:</u> While the element includes some broad description of on and off-site improvements (p. C-24), it must list actual standards and analyze their impact on the cost of development.</p> | <p>Added description and analysis on the current road conditions and the City's Transportation Element and requirements; added narrative regarding off-site developments.</p> | <p>Appendix C: Housing Constraints; Section C.2.5</p> | <p>pp. C-30 - C-32</p> |

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| 22. | B.4.2 | <p><u>Housing for Persons with Disabilities:</u> The element concludes that the definition of family used in zoning and land use does not include unrelated individuals and does not unnecessarily constrain living configurations. However, the element should list the definition and analyze the impacts on housing for persons with disabilities. This is particularly important since upon a cursory review, the City’s definition appears to have potential constraints on persons with disabilities such as requiring families to be “traditional”, “sharing household activities” and requiring a “single written lease”. Based on the outcomes of this analysis, the element should add or modify programs to address identified constraints and modify the family definition.</p> <p>In addition, the element briefly mentions a reasonable accommodation procedure, including some findings of approval. However, based on a cursory review, the procedure has provisions that may act as a constraint on housing for persons with disabilities. For example, the procedure appears to disallow waiving a conditional use permit and the decision-making criteria includes other considerations such as impacts on surrounding uses and equivalent level of benefit that will not result in exceptions to development standards. The element should specifically evaluate these provisions as potential constraints and add or modify programs to address identified constraint.</p> | Added Program 5.L to revise the definition of "family" to be broader in scope; added analysis of reasonable accommodation procedures; and subsequently added Program 4.U to modify the conditional use permit findings. | Appendix C: Housing Constraints, Section C.2.2.5 | pp. C-17 - C-19; pp. 66; pp. F-22 |
| C. Housing Programs | | | | | |
| C.1 | <p><i>Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)</i></p> | | | | |
| 23. | C.1.1 | <p>A large share of the programs lists implementation timelines as “ongoing.” While this may be appropriate for some programs, programs with specific implementation actions must include completion dates resulting in beneficial impacts within the planning period. Programs that should be modified to add discrete timing include (but are not limited to) 5.F (Everyone Home), 5.G (Faith Community Participation), 5.H (Housing for ELI Households), and 5.J (Developmentally Disabled Residents). Additionally, several programs and actions have timelines that should be moved earlier in the planning period to ensure a beneficial impact. Many of these programs’ timelines are benchmarked to the date of housing element adoption. Those programs should be revised to reflect actual dates. Examples include Programs 1.D (Allow Religious Institution Affiliated Housing 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), 1.P (General Plan Amendments, and 1.Q (Density Bonus Ordinance).</p> <p>Additionally, programs must have specific commitment to housing outcomes or deliverables. Several programs include actions with no description of how those actions will be implemented (e.g., “support”, “study”, “explore”, “evaluate”, etc.). For example, Program 3.E states that the City will “investigate affordable housing fund” and "meet with Council in 2023 to discuss potential risks and opportunities". However, it does not make any firm commitment to establish an affordable housing fund. Programs should be amended, as appropriate, to include specific commitment. Examples include Programs 1.G (Facilitating Development in Zone C), 1.H (Increasing Allowances in Zone D), 1.O (Gas Station Remediation Study), 2.B (Availability of Small Homes), 3.E (Affordable Housing Fund), 4.F (Capital Improvement Plan Updates), 4.G (Monitoring the Effects of the City Charter), 4.H (Consider Modifying Charter on Zoning Amendments), 4.J (Small Lot Housing Study), 4.K (Small Lot Affordable Housing Study), 5.C (Assistance to Nonprofit Developers), 5.H (Housing for ELI Households), and 5.J (Developmentally Disabled Residents).</p> | Modified identified programs and other programs to include specific timing (month and year), moved some program timelines up, and generally amended programs to include specific action items instead of tentative language like "consider", "explore", etc. | Goal 5: Special Needs Populations; Goal 1: New Housing Construction; Goal 3: Affordable Housing Opportunities; Goal 4: Elimination of Housing Constraints | pp. 39-87 |
| C.2 | <p><i>Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i></p> | | | | |
| 24. | C.2.1 | <p>As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:</p> | See responses as follow immediately below. | Section IV: Housing Plan: Goals, Policies, and Programs | n/a |
| 24.A | C.2.1 | <p><i>Program 1.R (Lower-Income Sites to Address Shortfall):</i> The element commits to rezone sites and address various requirements related to Government Code section 65583.2, subdivisions (h) and (i). However, the Program should also commit to the shortfall of sites, minimum acreage, allowable densities, and development standards that will facilitate maximum allowable densities.</p> | Modified program to clarify that lower-income sites will also be subject to the densities, development standards, and uses allowed by various zoning programs. | Goal 1: New Housing Construction | pp. 50 |

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| 24.B | C.2.1 | <i>Program 1.L (Specific Plan):</i> The Program should be revised based on a complete analysis as noted in Finding B3. In addition, the Program should commit to complying with the Surplus Land Act, finalizing necessary entitlements, and issuing building permits by a specified date and evaluating progress by a specified date and if necessary, identifying alternative sites by a specified date to accommodate development in the planning period. | Modified program to, through issuance of an RFP, prepare a surplus land declaration and to receive necessary entitlements. The program sets specific timeframes. | Goal 1: New Housing Construction | pp. 45-48 |
| 24.C | C.2.1 | <i>Program 4.N (Allow Transitional and Supportive Housing):</i> The Program commits to allow transitional and supportive housing similar to other dwellings. But, in addition, the element should specifically commit to permit permanent supportive housing without discretionary action in zones allowing multifamily and mixed-use development and comply with Government Code section 65651. | Modified program to permit permanent supportive housing without discretionary action in zones allowing multi-family and mixed-use development and to comply with GC 65651. | Goal 4: Elimination of Housing Constraints | pp. 69 |
| C.3 | | <i>The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)</i> | | | |
| 25. | C.3.1 | The element must include programs with specific actions and timelines to assist in the development of housing for lower-income households, including ELI and special needs households, as follows: | See responses as follow immediately below. | Section IV: Housing Plan: Goals, Policies, and Programs | n/a |
| 25.A | C.3.1 | <i>Program 5.C (Assistance to Nonprofit Developers):</i> The element should specifically commit to proactively and annually reaching out to developers of affordable housing and identify development opportunities. In addition, the program should commit to establish a package of incentive that will be ready to assist the development of housing for lower-income households such as funding, adopting priority processing, granting concessions and incentives beyond State Density Bonus Law, waiving fees, and assisting with site preparation or predevelopment. | Modified program to establish a package of incentives for lower-income housing including funding, adopting priority processing, granting concessions and incentives beyond density bonus law, waiving park requirements/fees and assisting with site preparation or development. The program also commits to proactively and annually reaching out to developers of affordable housing and identify development opportunities | Goal 5: Special Needs Populations | pp. 76 |
| 25.B | C.3.1 | <i>Program 5.D (Persons with Development Disabilities):</i> The Program should include actions beyond an explanation of the process to retrofit a home. For example, the Program could commit to work with regional providers and non-profit developers to identify development opportunities, pursue funding, develop a pilot program or other actions more geared toward housing outcomes. | Modified the program to work with regional and non-profit developers to identify development opportunities and to refer to other supportive housing programs for persons with disabilities. | Goal 5: Special Needs Populations | pp. 76-77 |
| 25.C | C.3.1 | <i>Program 5.H (ELI Households):</i> While the Program commits to “explore” ways to expand housing for ELI households, it should also commit to pursue and establish strategies. In addition, the Program commits to amend zoning to allow SROs but should also commit to appropriate development standards and permit procedures that encourage the use. | Modified program to pursue and establish strategies to increase ELI housing and to circulate an RFP for consultants to develop standards to encourage SROs, co-housing, etc. | Goal 5: Special Needs Populations | pp. 79-81 |
| 25.D | C.3.1 | <i>Program 5.E (Housing Support for Families in Crisis):</i> In addition to providing support and referral to County services, the element should also seek to develop opportunities within the City to address the housing needs of special needs populations such as specific efforts within Program 1.L (Specific Plan) or identifying additional sites, capacity, and funding to pursue permanent supportive housing. | Modified program to identify additional capacity and funding to pursue permanent supportive housing and to seek grant funding to support housing for families in crisis. | Goal 5: Special Needs Populations | pp. 77 |
| 25.E | C.3.1 | <i>Program 5.F (Faith Community Participation):</i> The Program should go beyond identifying potential partners and commit to establish partnerships and pursue strategies such as providing technical assistance, amending zoning, and assisting with funding application and coordinating with non-profit agencies and developers. | Modified program to provide technical assistance, refer to zoning amendments, and conduct outreach meetings. | Goal 5: Special Needs Populations | pp. 78-79 |

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| C.4 | | Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).) | | | |
| 26. | C.4.1 | As noted in Finding B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows: | See response as follows immediately below. | Section IV: Housing Plan: Goals, Policies, and Programs | n/a |
| 26.A | C.4.1 | Programs 1.G (Development in Zone C) and 1.H (Housing in Zone D): These Programs generally commit to increase allowable densities but should also go beyond “consider” or implementing “possible” incentives and specifically commit to establish appropriate procedures and development standards that improve approval certainty and facilitate maximum densities without exceptions. For example, Program 1.G (Development in Zone C) could commit to establish heights of at least five stories and Program 1.H could commit to establish heights of at least seven stories. This is particularly important given the lack of implementation in the prior planning period (p. D-6). | Removed "consider" and "possible" language and specified particular height increases. | Goal 1: New Housing Construction | pp. 42-44 |
| 26.B | C.4.1 | Programs 4.G (Monitoring the City Charter) and 4.H (Modifying the Charter): Program 4.G from the prior planning period (p. D-17) specifically committed to evaluate the effects of the City Charter on multifamily development and take appropriate action to address the constraint. These actions were not limited to the RHNA. In response, the City appears to have taken no action to address this fundamental constraint on housing choices and, as a result, the current programs must have specific commitment to address the constraint. For example, Program 4.H should go beyond “consider modifying” and commit to a schedule of actions to modify the Charter and alternative actions to address the constraint if the Charter is not amended by a specified date. | Modified programs to include a schedule of actions and clarified that proposed zoning programs can take place without modification of the charter | Goal 4: Elimination of Housing Constraints | pp. 64-66 |
| 26.C | | Program 4.P (Residential Care Facilities): The Program should commit to permit group homes for six or fewer persons as a single-family residential use regardless of licensing. In addition, regarding group homes for seven or more persons, the Program commits to considering other provisions but, instead, should specifically commit to amend procedures and zoning to allow these uses in all residential zones with objectivity to promote approval certainty similar to other residential uses of the same form. For more information, please see HCD’s guidance at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf. | Modified program to develop objective design standards and appropriate conditional use permit findings for residential care facilities for seven or more persons in Zone B and Zone D and to allow residential care facilities consistent with State law and consider provisions for care facilities for both up to six persons and for seven or more persons. | Goal 4: Elimination of Housing Constraints | pp. 70 |
| C.5 | | Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics. (Gov. Code, § 65583, subd. (c)(5).) | | | |
| 27. | C.5.1 | As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs to AFFH should go beyond status quo actions, include specific commitment, discrete timing, geographic targeting and metrics or numerical targets and should generally address housing mobility, encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement. For example, the element must add significant and meaningful housing mobility actions to promote housing choices and affordability (not limited to the RHNA) and overcome the existing patterns in the City relative to the broader region. | Modified Program 1.L to clarify that all of Piedmont is a high resource area, and that any lower-income housing development in Piedmont promotes housing mobility actions to promote housing choices and affordability and to overcome the existing patterns in the City relative to the broader region. Additional analysis (see above) did not identify need for additional programs. | Section IV: Housing Plan: Goals, Policies, and Programs; Appendix F: Affirmatively Furthering Fair Housing | pp. 47 |
| C.6 | | Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).) | | | |

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| 28. | C.6.1 | The element includes many meaningful actions to promote the creation of ADUs. However, the element should also commit to monitor the production and affordability of ADUs at least twice in the planning period and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 1 year) if assumptions are not realized. | Added program 3.H to monitor ADU affordability and occupancy twice during the planning period and once within the first year, to support assumptions and make adjustments as needed pending the results. Added program 1.S. to confirm the ADU ordinance complies with State ADU law and will make any adjustments as needed. | n/a | pp. 60, pp. 51 |
| D. Public Participation | | | | | |
| D.1 | | Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).) | | | |
| 29. | D.1.1 | While the City made considerable effort to include the public through workshops and surveys and included some broad responses to public comments under a separate City Council staff report, moving forward, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households or representatives. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, the element explains various public comments but should also discuss how those comments were incorporated into the elements. | Added discussion of how comments were incorporated into the housing element. Bolstered outreach section. Also see Programs 1.C and 7.C | Section I: Introduction | pp. 14 - 22; pp. 40 and 87 |