

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: November 20, 2023  
TO: Mayor and Council  
FROM: Rosanna Bayon Moore, City Administrator  
SUBJECT: Information on the Status of Housing Element Programs Implementation

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PURPOSE:

This agenda item introduces the Housing Element Implementation Plan with a focus on Zoning Ordinance updates and other programs that implement key programs from Piedmont's recently adopted 6<sup>th</sup> Cycle Housing Element for 2023-2031 cycle (Housing Element). This report will discuss Housing Element implementation, highlight key programs, and outline timelines for completing the current implementation cycle.

EXECUTIVE SUMMARY:

The Housing Element of the General Plan is a blueprint for the City to achieve its housing goals and objectives. It sets forth policies and programs to increase the supply of affordable housing, promote diverse housing types, and support housing stock at all income levels. In the coming months, the City Council will be asked to consider a number of Zoning Ordinance updates and other programs that are part of the Housing Element implementation plan. These updates are aimed at increasing housing development, increasing funding for affordable housing programs, and working with community groups to develop housing programs. A series of public meetings of the Planning Commission and City Council will span November 2023 to March 2024, as presented on the last page of this report.

The Housing Element implementation plan can be divided into three categories:

1. Revisions to the Zoning Ordinance
2. Other Programs to be Implemented within a Strict Timeframe
3. Ongoing Programs

BACKGROUND:

Piedmont's Housing Element includes 7 goals, 56 policies, and 77 programs. The goals encompass new housing construction, housing conservation, affordable housing opportunities, the elimination of housing constraints, special housing needs populations, sustainability and energy, and equal access to housing. The programs include modifications to regulations and procedures to comply with State Law and align with other General Plan goals. The programs implement housing goals and policies and address housing needs, resources, and constraints, as identified in the Housing Element and through community input.

Piedmont’s Housing Element must be updated every eight years. The Housing Element must also be reviewed and approved (i.e., certified) by the California Department of Housing and Community Development (HCD) for compliance with statutory requirements. Failure to adopt a Housing Element or to receive State certification can result in financial penalties, loss of local planning control and grant funding, and potential legal challenges.

**Implementing Zoning Ordinance Revisions to Provide Adequate Sites**

State Law sets forth a timeline for adoption of zoning ordinance updates that implement housing element programs that are necessary to meet Regional Housing Needs Assessment (RHNA) goals. Because Piedmont’s Housing Element was not certified by May 31, 2023, the zoning revisions must be completed by January 31, 2024.

**Failure to Implement Zoning Revisions**

If zoning revisions are not completed by the deadline, HCD is authorized to decertify the Housing Element and refer the City to the Attorney General. In addition, per the Housing Accountability Act, since the Housing Element was adopted after the due date of January 31, 2023, housing development projects with at least 20% of the total units that are affordable cannot be rejected if proposed at a location that is part of the sites inventory identified in the Housing Element program.

**Piedmont’s Current Status**

Piedmont’s Housing Element was recently certified on November 9, 2023. However, the City did not meet the State deadlines for adoption and certification. This means that in addition to being subject to the Housing Accountability Act, Piedmont must complete Housing Element programs 1.F, 1.G, 1.H and 1.P by January 31, 2024. City staff is currently drafting zoning updates that align with the programs and policies listed in the adopted Housing Element, including those Zoning Ordinance revisions now required to be completed by January 31, 2024.

The Analysis and Discussion section below provides information about the relevant programs in Piedmont’s Housing Element and their implementation timelines.

ANALYSIS AND DISCUSSION:

**1) Revisions to Zoning Ordinance**

There are several revisions to the Zoning Ordinance planned for completion in the coming months and years. All these revisions require a Planning Commission recommendation and City Council adoption. However, as discussed above, some require a more compressed adoption timeline.

Detailed descriptions for programs listed in the tables below are available in the [Housing Element](#).

<b>TABLE 1. Zoning Ordinance revisions that must be completed by January 31, 2024</b>
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Programs		Status
<b>1.D</b>	<i>Allow Religious Institution Affiliated Housing Development in Zone A: Single Family Residential</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>1.F</b>	<i>Increase Allowances for Housing in Zone B: Public Facilities</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>1.G</b>	<i>Facilitating Multi-family Development in Zone C: Multi-family Residential</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>1.H</b>	<i>Increase Allowances for Housing in Zone D: Commercial and Mixed-Use</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>1.P</b>	<i>General Plan Amendments</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b> Please refer to Table 5 for status update on Program 1.L.

Table 2 below includes the Zoning Ordinance revisions that have a deadline of March/April 2024, the Zoning Ordinance revisions that have a later deadline but reference revisions made in City Code that are due March/April 2024, and revisions to the Zoning Ordinance that implement State Law that is currently in effect. Most of these revisions will be made concurrently with the revisions listed in Table 1.

Programs		Status
<b>1.J</b>	<i>SB 9 Facilitation Amendments</i>	<b>Study Sessions:</b> <b>Planning Commission – December 11, 2023</b> <b>City Council - December 18, 2023</b>
<b>1.M</b>	<i>Manufactured and Mobile Homes</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>4.I</b>	<i>Health and Safety Code 17021.5 Compliance</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>
<b>4.L</b>	<i>Allow Parking Reductions for Multi-Family, Mixed-Use and Affordable Projects</i>	<b>Study Sessions:</b> <b>Planning Commission – December 11, 2023</b> <b>City Council - December 18, 2023</b>
<b>4.N</b>	<i>Allow Transitional and Supportive Housing by Right in Zones that Allow Residential</i>	<b>Study Sessions:</b> <b>Planning Commission - November 13, 2023</b> <b>City Council - December 18, 2023</b>

	<i>Uses</i>	
<b>4.O</b>	<i>Allow Low Barrier Navigation Centers by Right in Zones that Allow Residential Uses</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>
<b>4.P</b>	<i>Residential Care Facilities</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>
<b>4.Q</b>	<i>Parking Reductions for Persons with Disabilities, Seniors, and Other Housing Types</i>	<b>Study Sessions: Planning Commission – December 11, 2023 City Council - December 18, 2023</b>
<b>4.T</b>	<i>Establish Standards for Emergency Shelters</i>	<b>Expected Start: Sometime in 2024</b>
<b>4.V</b>	<i>Allow Emergency Shelters As Accessory Uses to Religious Facilities in Zone A</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>
<b>5.H</b>	<i>Housing for Extremely Low-Income Individuals and Households</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>
<b>5.L</b>	<i>Definition of Family</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>
<b>State Law</b>	<i>State Density Bonus</i>	<b>Study Sessions: Planning Commission - November 13, 2023 City Council - December 18, 2023</b>

The revisions in Table 3 have a more generous completion timeframe and will be drafted for the Planning Commission’s consideration at a later time.

<b>Table 3. Zoning Ordinance Revisions with a Deadline of December 2024 to January 2026</b>		
<b>Programs</b>		<b>Status</b>
<b>1.E</b>	<i>Require ADUs for New Single-Family Residence Construction</i>	<b>Expected Start: Sometime in 2024</b>
<b>1.I</b>	<i>Lot Mergers to Facilitate Husing in Zone C and Zone D</i>	<b>Expected Start: Sometime in 2025</b>
<b>1.Q</b>	<i>Density Bonus Ordinance</i>	<b>Expected Start: Sometime in 2025</b>
<b>3.G</b>	<i>Inclusionary Housing</i>	<b>Expected Start: Sometime in 2024</b>
<b>4.U</b>	<i>Amend Conditional Use Permit Findings</i>	<b>Expected Start: Sometime in 2025</b>
<b>5.I</b>	<i>Housing for Extremely Low-Income Families</i>	<b>Expected Start: Sometime in 2024</b>

**2) Other Programs Planned for Completion by January 31, 2024:**

Apart from revisions to the Zoning Ordinance, there are programs in the Housing Element that are planned to be completed by either December 31, 2023, or January 31, 2024, and do not require any actions by the Planning Commission or City Council. These programs are discussed in Table 4 below:

<b>Table 4. Other Programs Not Requiring Zoning Ordinance Revisions</b>	
<b>Program</b>	<b>Status</b>
<b>1.C</b> <i>Public Engagement for Accessory Dwelling Units</i>	<b>Ongoing</b> The City of Piedmont is using a variety of methods to outreach to the community about ADUs, including: <ul style="list-style-type: none"> <li>• Booth at Harvest Festival (September 24, 2023): City staff were available to answer questions and provide information about ADUs at the Harvest Festival, a popular annual event in Piedmont.</li> <li>• Periodic newsletter to residents: The City's newsletter includes regular articles about ADUs, including information about costs, design, permit processing, and timelines.</li> <li>• East Bay ADU Tour: The City partnered with other East Bay cities to host an ADU tour on October 21, 2023. The tour featured 10+ ADUs in Oakland, Berkeley, and Piedmont, ranging in size from 700 square feet. Participants had the opportunity to see different ADU designs and learn about the ADU permitting process from homeowners, builders, and City staff.</li> </ul>
<b>1.U</b> <i>Priority Development Area Designation</i>	<b>Completed</b> - Secured nominations for both sites. Sites were approved by ABAG-Resolution 13-2023 on September 8, 2023.
<b>3.E</b> <i>Affordable Housing Fund</i>	<b>Expected Start: Sometime in 2024</b>
<b>4.A</b> <i>Media Strategy</i>	<b>Ongoing</b> - Many application materials are now downloadable from the City's website. Continued efforts are being made to improve the content and usability of information on the Planning homepage, and to use the web to assist residents and reduce the wait for permits. Additionally, City staff were available to answer questions and provide information about ADUs and other building types at the Harvest Festival (September 24, 2023).

<b>4.B</b>	<i>Home Improvement Workshops</i>	<p><b>Ongoing-</b></p> <ul style="list-style-type: none"> <li>• Discussions with residents on home remodels, ADU/JADU construction, energy efficient window replacements, solar panel installations and other.</li> <li>• East Bay ADU Tour (October 21, 2023): The City is partnering with other East Bay cities to host an ADU tour on October 21, 2023. The tour will feature 10+ ADUs in Oakland, Berkeley, and Piedmont, ranging in size from 700 square feet. Participants will have the opportunity to see different ADU designs and learn about the ADU permitting process from homeowners, builders, and City staff.</li> </ul>
<b>5.D</b>	<i>Accommodations for Disabled Persons</i>	<b>Expected Start: Sometime in 2024</b>

**3) Other Housing Element programs Underway:**

The three programs listed in Table 5 are in progress:

<b>Table 5. Housing Element Programs that Have Commenced</b>		
<b>Programs</b>		<b>Status</b>
<b>3.F</b>	<i>Incentives for Rent-Restricted ADUs</i>	<b>Largely Completed-</b> adopted ordinance 769 on September 18, 2023
<b>1.L</b>	<i>Specific Plan</i>	<b>Ongoing</b>
<b>4.E</b>	<i>Temporary Staff Additions</i>	<b>Ongoing-</b> The Building Division is employing 6 part time staff to facilitate the processing of building permits and conducting building inspections. The Planning Division is employing 1 part time staff member to increase capacity to facilitate the implementation of Housing Element programs.

Besides the programs discussed in subsections 1), 2), and 3) above, there are other programs in the Housing Element that discuss promoting housing development; reviewing impact fees to help pay for the cost of maintaining City services and infrastructure; studying the local municipal services tax to potentially generate additional revenue; obtaining grants to study gas station and brownfield remediation; maintaining rental units; initiating several public information and education campaigns about housing types, planning and building regulations, opportunities for construction, incentives etc.; continuing implementing California Building Code of Regulations; updating Capital Improvements and Facilities Maintenance Funds; clarifying the City Charter; identifying

funding for housing support for families in crisis; exploring ways to encourage and incentivize greener residential construction and participating in various County programs that serve the residents in need within Piedmont and the greater East Bay. These programs will be initiated and implemented by 2026.

### **Summary of Tasks**

As discussed in the sections above, City staff is currently working on: drafting several Zoning Ordinance updates amending Planning and Land Use Chapter 17 Article 2, Article 3 and Article 5; and creating a media strategy for promoting new housing types and the permitting process. In addition, two new divisions are being drafted to adopt State density bonus law and implement currently effective State law SB-9 within Article 3 of Chapter 17 of the Zoning Ordinance. Based on the discussions and comments received at the study sessions of the Planning Commission and City Council, staff will prepare a final draft Zoning Ordinance update to be considered by the Planning Commission for a recommendation to the City Council. The first reading of an ordinance is anticipated in February 2024.

Additionally, the City has prepared a programmatic EIR with assistance from Rincon Consultants and in coordination with the City Attorney's Office to evaluate potential environmental impacts associated with 2023-2031 Housing Element implementation. Implementation includes amendments to the City of Piedmont's General Plan and the Piedmont City Code as set forth in the City's 2023-2031 Housing Element. The [Draft EIR](#) was published for public review and comments on November 3, 2023, and the comment period ends on December 18, 2023.

### **CITY CHARTER**

The proposed modifications to the City Code would be in conformance with the City Charter, including section 9.02. No zones would be reduced or enlarged, and no zones would be reclassified. City Charter provisions are expressly referred to in City Code division 17.02.C.

### **CITY ATTORNEY REVIEW**

The Housing Element Implementation Plan that includes the proposed draft revisions to the Zoning Ordinance has been reviewed by the City Attorney.

### **PUBLIC ENGAGEMENT AND OUTREACH**

The City of Piedmont's adopted Housing Element is a culmination of over a year of extensive community engagement and stakeholder input. To ensure that the Housing Element reflected the diverse needs and perspectives of Piedmont residents, staff actively sought participation from all segments of the community, including individuals with special housing requirements.

Community outreach efforts included presentations to various City commissions, committees, and the City Council. Additionally, staff engaged in a range of outreach activities, such as hosting

webinars and workshops, and disseminating information at popular community events like the Harvest Festival and Labor Day Car Show. Public input played a pivotal role in shaping the 6th Cycle Housing Element. Direct feedback from residents led to the development of new, revised, and modified programs, many of which specify the changes necessary to implement the programs and remove barriers to the development of new diverse housing types that are affordable to occupants at all income levels.

Public participation opportunities continue beyond the adoption of the Housing Element. Community members are encouraged to attend and provide comment during the meetings of the Planning Commission and City Council at which the bodies study and consider the revisions to the Zoning Ordinance, the draft General Plan amendments, and the Draft Environmental Impact Report (EIR).

#### PLANNING COMMISSION MEETING, OCTOBER 9, 2023

On October 9, 2023, the Planning Commission received information on the sixth cycle Housing Element Implementation Plan similar to that contained in this report, directed questions to staff, and held a discussion. The Commission received no written comments or testimony from the public.

During their discussion, Commissioners directed questions to staff about the time period for posting revisions for public review and the timeline for bringing the revisions for the Commission's consideration for recommendation to the City Council. In a response to a question from Commissioner Batra, Director of Planning and Building Kevin Jackson affirmed that the Zoning Ordinance updates align with the Housing Element goal of allowing for the construction of 587 new housing units by the private sector. Director Jackson further noted that the Housing Element programs and Zoning Ordinance revisions would allow for more than the 587 housing units and thereby provide a buffer if development did not occur on every site identified in the sites inventory. The video of the meeting is available [here](#) and the meeting minutes is posted on the [City website](#).

By: Kevin Jackson, Planning and Building Director  
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#### RELEVANT DOCUMENTS:

- Overall Timeline for Planning Commission and City Council, see report page 9
- The City of Piedmont's 6<sup>th</sup> Cycle [Housing Element](#)
- [Video](#) of November 13, 2023, Planning Commission Meeting (Study Session)
- [Staff Report](#) of November 13, Planning Commission Meeting (Study Session)
- The [Draft Environmental Impact Report for the 2023-2031 Housing Element Implementation Project](#)



