

City of Piedmont
CITY COUNCIL AGENDA REPORT

DATE: January 6, 2025

TO: Mayor and City Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: 1) Public Hearing - Consideration of Introduction and First Reading of Ordinance No. 777 N.S. Adopting Zoning Ordinance Amendments related to ADUs and JADUs. (CEQA Review: Exempt under PRC Sec 21080.17 and CEQA Guidelines 15282(h) and 15061(b)(3)).
2) Receive informational report on AB 1332.

RECOMMENDED ACTION

1. Conduct a First Reading of Ordinance 777 N.S., Attachment A, amending divisions 17.02 Title; Intent; City Charter, 17.30 Parking, and 17.38 Accessory Dwelling Units; to implement AB 2533, and SB 1211, and make other conforming changes.
2. Receive informational report on AB 1332.

EXECUTIVE SUMMARY

Amendments to the regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in Chapter 17 of the City Code are being proposed to ensure compliance with State of California laws that will become effective on January 1, 2025. More information on the State laws is detailed below on page 3 of this agenda report.

New State legislation places further limits on a local jurisdiction's ability to regulate ADUs and JADUs (including unpermitted ADUs and JADUs). The recommended revisions to Piedmont's ADU ordinance would provide consistency with new requirements being imposed under new State laws as follows:

1. Allow an uncovered parking space to be used for an ADU or JADU without requiring replacement parking.
2. Allow up to 8 detached ADUs on a multi-family residential project, with the maximum equal to the number of primary multi-family units on the lot.
3. Develop procedures for approval of an unpermitted ADU or JADU.

Furthermore, the City plans to comply with Assembly Bill 1332 by updating the City website by January 1, 2025, to set forth a process to approve detached ADU architectural plan sets as pre-approved plans. A discussion of the bill is provided below. No revisions to the City Code in response to AB 1332 are currently proposed.

BACKGROUND

In recent years, the California Legislature has enacted bills that reduce local discretionary control over the development of ADUs and JADUs. Recent examples include legislation requiring ministerial approval of ADU and JADU applications within 60 days, authorizing ADUs on lots with multi-family dwellings, prohibiting local agencies from imposing more restrictive local development standards (e.g., height and setbacks) beyond State-set limits, and requiring local agencies to allow ADUs to be sold separately from a lot's primary dwelling if certain conditions are met.

Governor Gavin Newsom signed into law AB 1332 in October 2023, and AB 2533, and SB 1211 in September 2024, all of which will take effect on January 1, 2025.

Relevant California Government Code Sections

Assembly Bill 1332 (AB 1332) adds Government Code section 65852.27 which requires local agencies to develop a program for the preapproval of ADU plans by January 1, 2025, and delineates the program's compliance requirements. The Bill also sets guidelines for the approval or denial of an application for a detached ADU under Government Code section 65852.27(b)(1)-(2).

Assembly Bill 2533 (AB 2533) alters the existing laws regarding the legalization of unpermitted ADUs. With some limited exceptions, Government Code section 66332 already prohibited local agencies from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, State or local ADU standards. One exception allowed local agencies to deny a permit to legalize if they make a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure. AB 2533 amends existing law to: (1) expand its applicability to JADUs; (2) change the construction cutoff date from January 1, 2018, to January 1, 2020; (3) replace the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings); (4) mandate new public notification requirements about limits on local regulation, substandard building criteria, and pre-application inspection by a private contractor; and (5) address the scope of City inspections and limits on remedial action.

Senate Bill 1211 (SB 1211) amends Government Code section 66314(d)(11), which already prohibits local agencies from requiring off-street parking spaces to be replaced when a garage, carport or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU. The amendment (SB 1211) further prohibits local agencies from requiring replacement parking when an uncovered parking space is demolished for, or replaced with, an ADU. Additionally, SB 1211 increases the quantity of detached ADUs that lots with an existing multi-family dwelling can have from two detached ADUs to eight. However, the maximum number of ADUs cannot exceed the number of primary multi-family units.

To be in compliance with the recently enacted bills, staff has prepared draft amendments to the ADU ordinance and other affected and related divisions of the Piedmont City Code, as discussed in the next section.

To demonstrate compliance with the City of Piedmont General Plan and Housing Element, policies that relate to ADUs and JADUs are included in Attachment D at the end of this report.

ZONING ORDINANCE AMENDMENTS

This section outlines the draft revisions to the Zoning Ordinance and describes the revisions made, where necessary. A redlined version of the edits to the current Zoning Ordinance is included as Attachment B, report pages 15-38.

1) Revisions to parking provisions of the Zoning Ordinance related to an ADU or JADU

The updates proposed in divisions 17.30 and 17.38 implement SB 1211 by allowing an uncovered parking space to be used or converted to an ADU or JADU. The proposed modifications also specify that replacement parking cannot be required when an uncovered parking space or structure is used for an ADU or JADU conversion. This uncovered parking space can be open space on existing private residential driveways.

Amended sections: 17.30.060, 17.38.060.B.6.a, and 17.38.060.C.2.j.

2) Revisions to multifamily ADU provisions of the Zoning Ordinance

The updates proposed in division 17.38 implement SB 1211 by allowing up to 8 detached ADUs, but no more than the number of existing primary dwellings, in an existing multi-family development. This applies to existing multi-family developments in all zones. Current regulations allow for a maximum of 2 detached ADUs in an existing multi-family development.

Amended section: 17.38.060.D.3

3) Revisions to ADU provisions of the Zoning Ordinance related to unpermitted ADUs and JADUs

The updates proposed in division 17.38 implement AB 2533 by adding a new section regulating unpermitted ADUs and JADUs. This new section lists standards for approval or denial of unpermitted ADUs and JADUs. Generally, this California law seeks to legalize and permit previously unpermitted ADUs and JADUs constructed before January 1, 2020. These legalized units contribute towards housing production goals.

Current Practice:

The City currently works with property owners to bring unpermitted ADUs/JADUs into compliance. While not frequent, this is an established part of the City's review process. When

notified of an unpermitted unit, staff typically issues a letter to the property owner, requesting either compliance or removal of the unpermitted work. In most cases, property owners choose to obtain the necessary planning and building permits.

Key points under proposed revisions:

- **Permitting:** Local agencies are generally prohibited from denying permits for unpermitted units constructed before January 1, 2020, even if they do not fully comply with current building standards or local ordinances, with limited exceptions.
- **Health and Safety Exceptions:** Permits can be denied if the unit violates specific health and safety standards outlined in Section 17920.3 of the Health and Safety Code (Attachment C). California Health and Safety Code Section 17920.3 defines substandard buildings as those with conditions that endanger the life, limb, health, property, safety, or welfare of the public or occupants. These conditions can include inadequate sanitation, lack of essential facilities like plumbing, inadequate exit strategies, and structural deficiencies.
- **Fee Waivers:** Homeowners applying for permits for these pre-2020 units are generally exempt from paying impact fees and connection or capacity charges, except in specific circumstances related to health and safety standards. Piedmont does not require these fees or charges as part of any ADU permit application, so these provisions do not adversely impact the City.
- **Local Agency Responsibilities:** Local agencies are required to provide public information about this law and the permitting process, including a checklist of health and safety standards and information about obtaining third-party inspections.
- **Inspection and Permitting Process:** Local agencies are required to inspect units for health and safety compliance and provide recommendations for necessary improvements. Permits should be approved to correct noncompliance issues.

Amended section: 17.38.080

4) Other revisions throughout the Zoning Ordinance

The proposed updates to division 17.02 align with the updates discussed above in relation to AB 2533 and AB 1332. The updates amend the “Intent” section of the City Charter to accommodate the development of affordable housing units in the City.

Amended sections: 17.02.010.B

UPDATES TO CITY WEBSITE

Updates related to AB 1332: Pre-Approved ADU program

AB 1332 (Carrillo) requires each local agency to develop a program for the pre-approval of ADU plans and elevations, whereby the local agency accepts ADU plan submissions for pre-approval and approves or denies the pre-approval applications. The purpose and intent of the pre-approved ADU plans program is to expedite the permitting process for detached accessory dwelling units by allowing for submittal of plans that have already been pre-approved.

City Code Section 17.38.075 includes a review process for applicants who choose to use City-developed pre-approved ADU plans. These plans feature detached ADUs and garage conversion ADUs. Using a City-developed pre-approved plan (as outlined in Appendix A of the Piedmont Design Standards and Guidelines) requires an applicant to meet specific standards outlined in City Code Section 17.38.075.A and to deed-restrict their ADU to low or very low-income housing for 10 years.

Under AB 1332, the City must approve an applicant's request to add their plans to the City's website through the pre-approval process, provided the plans meet development regulations outlined in Section 65852.2. The City cannot impose rent restrictions on these units. Under this program, plans are designed by ADU builders, private licensed architects/engineers, and designers to accommodate various site conditions. Plans are then reviewed and pre-approved by the City for compliance. When an individual homeowner applicant selects a pre-approved Plan, City staff will review site-specific factors for the property in relation to the chosen Plans, including compliance with the Zoning Code, and within 30 days make a decision.

Per AB 1332, all necessary information and processes must be on the City website by January 1, 2025. The City of Piedmont has fulfilled this requirement and updated the City website to provide information about AB 1332, the pre-approval criteria and process. No revisions to the City Code in response to AB 1332 are currently proposed.

Updates related to AB 2533: Legalization of Unpermitted ADU constructed prior to January 1, 2020.

As discussed above, AB 2533 expands California's amnesty program for unpermitted ADUs and JADUs.

While the City has been in compliance with State law, the new legislation, AB 2533, requires the City to update its website with information on the legalization of unpermitted ADUs and the process. The goal is to legalize existing unpermitted ADUs and JADUs, increasing housing stock and addressing the State's housing shortage while minimizing financial burdens and regulatory hurdles for property owners. The City's website will be updated to provide the pertinent information regarding unpermitted ADUs and JADUs and how they can be brought into compliance.

CALIFORNIA ENVIRONMENTAL QUALITY ANALYSIS (CEQA REVIEW)

The proposed revisions to Chapter 17 are a project within the meaning of the California Environmental Quality Act ("CEQA"), however, the proposed City Code amendments related to ADUs and JADUs are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing State law regarding accessory dwelling units. Further, the proposed City Code amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of proposed amendments will have a significant effect on the

environment (CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3).

FISCAL IMPACT

If adopted by City Council, the proposed Code revisions are not anticipated to result in a fiscal impact. The proposed amendments to the City Code are a routine component of project review and approval administered by the Planning & Building Department, which collects fees established in the Master Fee Schedule to help cover the costs of the services provided. A new fee will be added to review applications submitted under AB 1332. Cities are obligated to expend resources needed to regulate development in compliance with both local goals and State law. City staff will develop application materials using existing resources and personnel.

PLANNING COMMISSION DISCUSSION AND RECOMMENDATION

On December 9, 2024, the Planning Commission held a public hearing to consider the proposed amendments to the Zoning Ordinance. After careful review, and an engaging discussion, the Commission unanimously recommended that the City Council adopt the proposed updates. No public comments were received.

The Planning Commission's discussion revolved around these key points:

- The Commission sought clarification of the differences between AB 1332 and City's current pre-approved ADU program, which is part of Piedmont Design Standards and Guidelines Appendix A.
- The Commission recommended public engagement materials address applicable building and fire codes for legalizing unpermitted ADUs (pre-January 1, 2020).
- The Commission sought information on staff's past experience with legalizing unpermitted ADUs.
- The Commission sought clarification on whether "uncovered parking space" under SB 1211 includes driveways.
- SB 1211 and ADU construction associated with existing nonconforming multi-family development within Zone A. The Commission sought clarification regarding the applicability of SB 1211 to multi-family development situated in Zone A, despite Zone A being designated for single-family residences.

A response to the items discussed at the Planning Commission is included in the discussions related to the proposed amendments on agenda report pages 3-6.

CITY CHARTER

The modifications to the City Code are in conformance with the City Charter, including sections 9.01 and 9.02. No zones have been reduced or enlarged, and no zones have been reclassified. City Charter provisions are expressly referred to in City Code division 17.02.C.

REVIEW BY CITY ATTORNEY

The proposed modifications to the City Code, the ordinance and the resolution have been reviewed by the City Attorney.

PUBLIC PARTICIPATION

During the meetings at which the Planning Commission and City Council consider the changes and documents discussed in this report, the public will have the opportunity to address the Commission and Council directly. In addition, members of the public may submit written comments to the Commission and Council in advance of their respective meetings. On November 22, 2024, a public hearing notice of the Planning Commission recommendation hearing was posted. No written or verbal comments were received at the December 9 Planning Commission Public Hearing. On December 20, 2024, a public hearing notice of this agenda item was posted. This report, information on the proposed changes to the regulations for accessory and junior accessory dwelling units, and methods to submit comments on the proposed ordinance can be found on the City's website at: [City Council - City of Piedmont](#)

CONCLUSION AND NEXT STEPS

The code revisions will bring the City's regulations for accessory and junior accessory dwelling units into compliance with State law while preserving – to the extent possible –the City's ability to regulate the design of ADUs and JADUs. Doing so provides clarity to property owners and the professionals and contractors they engage to design and deliver projects in the City of Piedmont.

The City Council is the decision-making body for the adoption of amendments to the City Code. Should the Council approve a first reading of the recommended ordinance on January 6, 2025, a second reading could occur as soon as January 21, 2025, and the Code amendments would go into effect thirty days after that time.

Staff recommends that the City Council receive the Planning Commission's recommendation and adopt the amendments to the Zoning Ordinance.

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ATTACHMENTS AND RELEVANT DOCUMENTS

<u>Pages</u>	
A 9-14	Draft Ordinance of Amendments to Piedmont City Code Chapter 17, Planning and Land Use
B 15-38	Redline Edits of the Zoning Ordinance
C 39-41	Section 17920.3 of Health and Safety Code
D 42	Housing Element Policies related to ADUs and JADUs

Separate Attachment and Links:

- Piedmont City Code [Chapter 17, Planning and Land Use](#)
- Piedmont General Plan: [Housing Element](#)

Attachment A

ORDINANCE NO. 777 N.S.

AN ORDINANCE AMENDING SECTIONS OF DIVISIONS 17.02 TITLE; INTENT; CITY CHARTER, 17.30 PARKING, AND 17.38 ACCESSORY DWELLING UNITS, OF CHAPTER 17 OF THE PIEDMONT CITY CODE TO IMPLEMENT AB 2533 (2024) AND SB 1211 (2024) RELATED TO ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, the proposed amendments comply with recent California State enacted bills AB 2533 and SB 1211, that will become effective January 1, 2025; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and has taken public testimony on the proposed amendments to City Code Chapter 17 on December 9, 2024, consistent with existing City Code section 17.72.040, and recommended approval of the proposed Zoning Ordinance amendments; and

WHEREAS, the City Council has held a duly noticed public hearing and took public testimony on the proposed amendments to City Code Chapter 17 on January 6, 2025, consistent with existing City Code section 17.72.050.

NOW, THEREFORE, the City Council of the City of Piedmont hereby ordain, based on the oral and written staff report, all oral and written comments received and all other evidence in the record, as follows:

SECTION 1 – BACKGROUND AND INTENT

In recent years, the California Legislature has enacted bills that reduce local control over the development of ADUs and JADUs. Recent examples include legislation requiring ministerial approval of ADU and JADU applications within 60 days, authorizing ADUs on lots with multifamily dwellings, prohibiting local agencies from imposing local development standards (e.g., height and setbacks) beyond state-set limits, and requiring local agencies to allow ADUs to be sold separately from the lot's primary dwelling if certain conditions are met.

Governor Gavin Newsom signed into law AB 2533, and SB 1211 in September 2024, which will each take effect on January 1, 2025. This new state legislation places further limits on local jurisdiction's ability to regulate ADUs/JADUs (including unpermitted ADUs/JADUs). The recommended revisions to Piedmont's ADU ordinance would ensure consistency with new requirements being imposed under state laws as follows:

1. Allow an uncovered parking space to be used for an ADU/JADU without requiring replacement parking.
2. Allow up to 8 detached ADUs on a multi-family residential project, with the maximum equal to the number of primary multifamily units on the lot.
3. Develop procedures for approval of an unpermitted ADU/JADU.

SECTION 2 – Findings. The City Council hereby makes the following findings:

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- A. The above recitations are true and correct and incorporated herein by reference.
- B. The proposed revisions to Chapter 17 are a project within the meaning of the California Environmental Quality Act (“CEQA”), however, the proposed City Code amendments related to ADUs and JADUs are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h) which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed City Code amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of proposed amendments will have a significant effect on the environment. CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3).
- C. The proposed revisions implement amendments to Government Code Sections 65852.27 and 66313, 66323, and 66332, related to accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU).
- D. Pursuant to City Code Section 17.72.050(B), the amendments are consistent with the Piedmont General Plan, as amended, the purposes of Chapter 17, and the provisions in City Charter Section 9.02.
- E. The proposed amendments further public health, safety, and welfare of the community.

SECTION 3 – ADDITION OF SUBSECTION 17.02.010.B.9

Subsection (9) is hereby added to Section 17.02.010.B, Intent, of the City Code is added as follows:

“9. create incentives for the development of accessory dwelling units affordable to households with moderate, low and very low incomes.”

SECTION 4 – AMENDMENT OF SECTION 17.30.060

Section 17.30.060, No reduction of existing parking, of the City Code is amended in its entirety to read as follows:

“Except for (1) the demolition of a garage, carport, uncovered parking space, or covered parking structure in conjunction with the construction of an accessory dwelling unit, or (2) conversion of a garage, carport, uncovered parking space, or covered parking structure for use as an accessory dwelling unit, no person may alter, eliminate, or restrict access to an existing parking space unless the Planning Director first determines that the space is (1) unusable, (2) is to be restored or replaced with a parking space which meets the requirements of this division 17.30, or (3) is permitted with a variance approved by the Planning Commission or City Council. For purposes of making this determination, the term unusable means that the parking space is not large enough to contain a compact-sized automobile or that the driveway to the parking space is so steep,

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narrow or otherwise configured that it precludes safe passage of the vehicle, and that enlargement to permit safe passage would result in severe economic hardship.

No garage or other off-street parking may be altered for a use other than parking, unless otherwise allowed under this chapter.”

SECTION 5– AMENDMENT OF SUBSECTION 17.38.060.B.6.

Subsection 17.38.060.B.6. of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the City Code is amended in its entirety to read as follows:

- “6. Limitations on city's approval. Under Government Code section 66314, or any successor statute, the following limitations apply to any city approval:
- a. Parking. When a garage, carport, uncovered parking space, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the City shall not require the replacement of off-street parking spaces.
 - b. Side and Rear Setbacks. No setback is required to construct an accessory dwelling unit within an existing structure that is converted to an accessory dwelling unit or a new structure constructed in the same location and the same dimension as an existing structure. If an accessory dwelling unit is not converted from an existing structure, the minimum setback is four feet from the side and rear lot line.
 - c. Street Yard Setback. Accessory dwelling units of 800 square feet or less can be constructed in the street yard setback only if it is determined by the Director that there is no other configuration on the property that would allow for the construction of an 800 square foot accessory dwelling unit outside the four feet side and rear setbacks and in compliance with all other standards in this section, including height limits.
 - d. Fire sprinklers. Accessory dwelling units shall not be required to have fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in any other existing dwelling. Fire sprinklers shall be considered “required for the primary dwelling unit” in any of the following circumstances:
 - i. When fire sprinklers are currently installed in the primary dwelling unit; or
 - ii. When fire sprinklers will be installed in a new primary dwelling unit constructed concurrently with an accessory dwelling unit.
 - e. Passageway. No passageway will be required.

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- f. Minimum lot area or lot size. Notwithstanding anything in divisions 17.20 through 17.28, no minimum lot area or lot size shall be imposed with respect to the approval of permits for an accessory dwelling unit.
- g. Floor Area Ratio, Lot Coverage, and Landscaping.
 - i. Lot coverage. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum lot coverage. Maximum lot coverage for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.
 - ii. Landscaping. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.
 - iii. Floor Area Ratio. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum floor area ratio requirement. Maximum floor area ratio for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.
- h. Certificate of Occupancy. The building official shall not issue a certificate of occupancy for an accessory dwelling unit before issuance of a certificate of occupancy for the primary dwelling or multi-family dwelling.
- i. Utility Connections. For an accessory dwelling unit described in section 17.38.060.D.1, the accessory dwelling unit shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and the accessory dwelling unit shall not be subject to a related connection fee or capacity charge, unless the accessory dwelling unit is constructed concurrently with a new single-family dwelling.”

SECTION 6– AMENDMENT OF SUBSECTION 17.38.060.C.2.j

Subsection 17.38.060.C.2.j of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the City Code is amended in its entirety to read as follows:

- “j. An expansion to an accessory structure of up to one hundred fifty (150) square feet to accommodate ingress and egress for a proposed junior accessory dwelling unit must meet applicable design criteria in the Piedmont Design Standards and Guidelines. This 150-square-foot of expansion can include removal of an uncovered parking space.”

SECTION 7– AMENDMENT OF SUBSECTION 17.38.060.D.3

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Subsection 17.38.060.D.3 of Section 17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval, of the City Code is amended in its entirety to read as follows:

“3. Not more than eight (8) detached accessory dwelling units located on a lot that has an existing multi-family dwelling, with the maximum number of allowed accessory dwelling units equal to the number of existing primary multi-family units on the lot, subject to a height limit of 18 feet and four-foot rear yard and side yard setbacks. If the existing multi-family dwelling has a rear or side setback of less than four feet, modification of the existing multifamily dwelling is not required as a condition of constructing the accessory dwelling unit.”

SECTION 8– AMENDMENT OF SECTION 17.38.080.

Section 17.38.080 Enforcement, of the City Code is deleted and replaced in its entirety with the following:

“17.38.080 Unpermitted accessory and junior accessory dwelling unit.

A. The City shall not deny an accessory dwelling unit permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following, unless the City makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the California Health and Safety Code:

1. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
2. The accessory dwelling unit or junior accessory dwelling unit does not comply with division 17.38 of Piedmont City Code regulating accessory dwelling units or junior accessory dwelling units, or California Government Code Section 66333 et seq., as may be amended, applicable.

B. This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the California Health and Safety Code.

C. A homeowner applying for an accessory dwelling unit permit under section 17.38.080.A above, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the California Health and Safety Code and when the fee is authorized by Government Code Section 66324(e).

D. Upon receiving an application pursuant to section 17.38.080.A, an inspector from the City shall inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the City shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit,

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shall provide in writing how the building can be brought into compliance, and shall approve necessary permits to correct noncompliance with health and safety standards.”

SECTION 9 – CONFLICTS

If a previous City Council ordinance or resolution is in conflict with this ordinance, that ordinance or resolution is superseded, and the provisions of this ordinance prevail.

SECTION 10 – SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 11 – CODIFICATION

The City Clerk is directed to codify this ordinance in a manner which reflects the legislative intent of the City Council

SECTION 12 – POSTING, EFFECTIVE DATE, AND SUBMISSION

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk is directed to submit a copy of this ordinance to the Department of Housing and Community Development in the manner required by law.

[END OF ORDINANCE]

Chapter 17

PLANNING AND LAND USE

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- 17.04 Applicability and interpretation
- 17.06 General requirements
- 17.08 Establishment of zones; Zoning map; Interpretation

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ARTICLE 1. GENERAL PROVISIONS

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- 17.02. Title; Intent; City Charter
- 17.04 Applicability and interpretation
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DIVISION 17.02**TITLE; INTENT; CITY CHARTER**

Sections:

17.02.010 Title; City Charter

17.02.010 Title; Intent; City Charter.

A. Title. This chapter 17, Planning and Land Use, is also known as the zoning ordinance.

B. Intent. The City of Piedmont consists primarily of unique single-family residences set among mature trees and other vegetation. The residents wish to:

1. preserve the architectural heritage and beauty of the city's homes, the mature vegetation, the tranquility and privacy that now exist, and significant views;
2. reduce on-street parking and traffic in the neighborhood streets and facilitate pedestrian and bicycle activity;
3. mitigate overcrowding and build a thriving environment for all, where growth benefits schools, services, facilities, and amenities;
4. preserve the city's historical heritage;
5. preserve the existing stock of small homes and otherwise allow for a variety of housing types for all income levels, including single-family and multi-family dwellings;
6. ensure excellence of architectural design, and compliance with the Piedmont Design Standards and Guidelines, as approved by the City Council and amended from time to time;
7. allow retail, office, and service commercial uses that are primarily neighborhood serving; ~~and~~
8. promote property improvements without sacrificing the goals already mentioned; ~~and~~
9. create incentives for the development of accessory dwelling units affordable to households with moderate, low and very low incomes.-

These zoning regulations are designed to implement these purposes.
(Ord. 772 N.S., 03/2024)

C. City Charter.

1. The city's zoning ordinance is also subject to the City Charter, particularly Section 9.01, General Plan, Section 9.02, Zoning System, and Section 9.04, General Laws Applicable. Those sections read as follows:

Section 9.01 General Plan. The City Council shall adopt, and may from time to time, modify a general plan setting forth policies to govern the development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services. The plan shall also serve as a guide to Council action concerning such City planning matters as land use, development regulations and capital improvements.

Section 9.02 Zoning system. The City of Piedmont is primarily a residential city, and the City Council shall have the power to establish a zoning system within the City as may in its judgment be most beneficial. The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote at a general or special election. No zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof; provided that any property which is zoned for uses other than or in addition to a single-family dwelling maybe voluntarily rezoned by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the only use on such property shall be a single-family dwelling, and such rezoning shall not require a vote of the electors as set forth above.

Section 9.04 General laws applicable. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances hereafter enacted, shall be applicable to the City. The City Council may adopt and enforce ordinances that, in relation to municipal affairs, shall control as against the general laws of the State.

2. In Section 9.02 of the City Charter, the prohibition not to reduce, enlarge, or reclassify a zone without a vote is understood to mean the city may not change the zone boundaries, or change (reclassify) a property from one zone to another. However, the City may make amendments to the zoning ordinance within the established zoning districts.

D. Private Agreements. The City regulates land use in accordance with the City's zoning ordinance and does not enforce or regulate private agreements. (Ord. 774 N.S., 09/2024)

ARTICLE 3. SPECIAL REGULATIONS

Divisions:

17.30	Parking
17.32	Fences; Trash enclosures; Corner obstructions
17.34	Landscaping
17.36	Signs
17.38	Accessory dwelling units
17.40	Residential Rentals
17.42	(Not used)
17.44	Home occupations
17.46	Wireless communications
17.48	Cannabis cultivation and facilities
17.50	Non-conforming uses and structures

DIVISION 17.30**PARKING**

Sections:

- 17.30.010 Single family residential and similar use (All zones)
- 17.30.020 Multi-family residential and similar group residential use (Zones A, B, C and D)
- 17.30.030 Commercial use and mixed-use residential/commercial (Zone D)
- 17.30.040 Location of parking spaces
- 17.30.050 Size and specifications
- 17.30.060 No reduction of existing parking
- 17.30.070 Compliance with Americans with Disabilities Act (ADA)

17.30.010 Single family residential and similar use. (All zones)

A. Applicability. This section 17.30.010 applies to the following uses: single-family residential, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees, and development projects under division 17.54 in any zone:

1. new development; and
2. existing development (which may be nonconforming under division 17.50), when an applicant seeks a building permit or land use approval for an improvement or change that may affect the need for parking. Exceeding certain underlying zoning regulations as indicated in the table in section 17.30.010.B.1 or an increase in the intensity of use will

affect the need for parking. Existing street width and existing demand for on-street parking are factors in considering the intensity of use.

B. Regulations.

1. General.

Dwelling Unit	Minimum number of off-street, covered, non-tandem parking spaces
Accessory dwelling unit (division 17.38)	0*
New primary unit** 800 square feet or less	1
New primary unit** greater than 800 square feet	2
Primary unit that exceeds FAR, lot coverage or structure height of the underlying zone	1 additional parking space; for a maximum total of 3 parking spaces.
SB-9 development (division 17.54)	1 per primary unit. If the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code, then parking is not required for the new primary unit.

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.

** primary unit refers to single family residence, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees.

2. Parking spaces may not be located within a 20-foot street setback.

3. When considering an application, the city may strictly apply the parking regulations under subsection B.1 above if the proposed construction will have an undue adverse impact on neighborhood vehicular congestion. A determination of undue adverse impact must be based on evidence considering one or more of the following factors: existing street width; existing on-street parking conditions; lack of sidewalks; and street slope and curvature. (Ord. 747 N.S., 02/2020, Ord. 772 N.S., 03/2024)

17.30.020 Multi-family residential and similar group residential use. (Zones A, B, C and D).

A. Applicability. This section applies to each multi-family and similar group residential use in Zones A, B, C and D, including but not limited to: large family day care home, residential care facilities or group homes the provide licensable services for more than 7 residents, single-room occupancy, co-housing, multi-family residential, senior housing, housing for persons with disabilities, and religious institution affiliated housing.

	Minimum number of off-street covered parking spaces	
Accessory dwelling unit (division 17.38)	0*	
Multi-family development, Independent living senior housing, independent living disabled persons housing	1 space per studio or 1 bedroom unit	Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.
	1.5 space per 2 or more-bedroom unit	
Licensed residential facility or group home for 7 or more residents	1 space per bedroom	
Single room occupancies or co-housing	1 space per bedroom Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income individuals.	
Religious institution affiliated housing	as provided in Section 65913.6 of the Government Code	
Senior housing, disabled persons housing (Assisted Living)	0.5 space per studio or 1 bedroom unit	Additionally, 1 parking space for each employee on-site at peak staffing.
	0.75 space per 2 or more-bedroom unit	

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.

(Ord. 747 N.S., 02/2020, Ord. 772 N.S., 03/2024)

B. Additional Parking. Guest or management parking shall be provided for all development types under this section with the exception of accessory dwelling units and religious institution affiliated housing development.

Guest or management Parking	1 space plus an additional parking space for every 10 dwelling units. Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.
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(Ord. 772 N.S., 03/2024)

17.30.030 Commercial use and mixed-use residential/commercial. (Zone D).

A. Residential uses in mixed use commercial/residential: same as provided in section 17.30.020.

B. Commercial uses:

Use Type	Minimum number of off-street, covered, non-tandem parking spaces per floor area	
	First 1,500 square feet	In excess of 1,500 square feet
Eating places and similar, high-intensity on premise customer uses	Each 500 square feet: 1 ¹	Each 250 square feet: 1 ¹
Retail stores, offices, and other low-intensity uses	Each 750 square feet: 1 ¹	Each 350 square feet: 1 ¹

¹Or as required by conditional use permit. (Ord. 747 N.S., 02/2020)

17.30.040 Location of parking spaces.

Parking for a permitted use in any zone must be located: (1) on the same lot as the permitted use; (2) not within the street setback; and (3) not between the street-facing facade of a building and the lot line in Zone D. Parking for a conditional use in any zone will be provided as required by the conditional use permit authorizing the use.

17.30.050 Size and specifications.

Except as otherwise provided, a parking space required by this section must have unrestricted access to a public street with a grade not more than 20%. In Zone A, one of every three required parking spaces may be for a compact car, and in Zones C and D, one of every four required parking spaces may be for a compact car.

The minimum parking space dimensions are:

8-1/2 feet x 18 feet, or

7-1/2 feet x 15 feet for compact car.

A minimum 1-foot clearance must be provided between the length side of a parking space and the nearest wall or similar obstruction. (Ord. 743 N.S., 05/2018)

17.30.060 No reduction of existing parking.

Except for (1) the demolition of a garage, carport, uncovered parking space, or covered parking structure in conjunction with the construction of an accessory dwelling unit, or (2) conversion of a garage, carport, uncovered parking space, or covered parking structure for use as an accessory dwelling unit, no person may alter, eliminate, or restrict access to an existing parking space unless the Planning Director first determines that the space is (1) unusable, (2) is to be restored or replaced with a parking space which meets the requirements of this division 17.30, or (3) is permitted with a variance approved by the Planning Commission or City Council. For purposes of making this determination, the term unusable means that the parking space is not large enough to contain a compact-sized automobile or that the driveway to the parking space is so steep, narrow or otherwise configured that it precludes safe passage of the vehicle, and that enlargement to permit safe passage would result in severe economic hardship.

No garage or other off-street parking may be altered for a use other than parking, unless otherwise allowed under this chapter. (~~Ord. 747 N.S., 02/2020~~)

17.30.070 Compliance with American with Disabilities Act (ADA).

The Chief Building Official may adjust the parking requirements in zones B, C or D without a conditional use permit or design review permit, to meet the requirements of the Americans with Disabilities Act.

DIVISION 17.38**ACCESSORY DWELLING UNITS**

Sections

17.38.010	Purpose and intent
17.38.020	Definitions
17.38.030	Legal accessory dwelling units; Non-conforming accessory dwelling units; Requirements for rented accessory dwelling units
17.38.040	Permit requirement
17.38.050	Permit application and review procedures
17.38.060	Zoning regulations; Accessory dwelling unit development standards; Junior accessory; dwelling unit development standards; Projects subject to state mandated approval
17.38.070	Accessory dwelling unit size exception
<u>17.38.075</u>	<u>Pre-approved Plans Incentive</u>
17.38.080	<u>Unpermitted accessory and junior accessory dwelling unit</u> ~~Enforcement~~
17.38.090	Removal of Owner Occupancy Restrictions
17.38.100	Separate conveyance

17.38.010 Purpose and intent.

The State Legislature has declared that accessory dwelling units are a valuable form of housing in California. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices, and within existing neighborhoods. Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security. (Gov't. Code § 65852.150.)

The city has a long history of various types of accessory dwelling units. By enacting this division 17.38, the City Council intends to:

- A. Establish the requirements for accessory dwelling units and junior accessory dwelling units in the city, consistent with California Government Code section 65852.2 and 65852.22;
- B. Encourage the use of existing accessory dwelling units and the construction of new accessory dwelling units, consistent with this Division;
- C. Help achieve the goals and policies of the General Plan Housing Element by encouraging a mix of housing types affordable to all economic segments of the community; and
- D. Clarify the requirements for the various kinds of accessory dwelling units in the city. (Ord. 768 N.S., 01/2023)

17.38.020 Definitions.

In this division 17.38, the following definitions apply, in addition to the definitions set forth in division 17.90:

Accessory dwelling unit means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit may also include (1) an efficiency unit, as defined in Health and Safety Code section 17958.1 and (2) a manufactured home as defined in Health and Safety Code section 18007. (Formerly called second dwelling unit. See section 17.38.030 for types of accessory dwelling units and permits.) (Ord. 769 N.S., 10/2023)

Affordable housing definitions:

Affordable Rent Level means that the accessory dwelling unit household's monthly cost of rent, plus the cost of electricity, gas, water and sewer service, and garbage collection ("utilities") is 30% or less than the upper limit of the annual gross household income, divided by 12, for a specified income category and household size as last published by the California Department of Housing and Community Development (HCD). The City shall determine maximum affordable rent levels for rent-restricted accessory dwelling units following the annual publication of the State Income Limits by HCD. In determining rent levels, the household size for rent-restricted accessory dwelling units shall be: studio, 1 person; one-bedroom, 2 persons; two-bedroom, 3 persons; and, three-bedroom, 4 persons. The cost of utilities for the accessory dwelling unit shall be included in the affordable rent level. For rent-restricted accessory dwelling units where utilities are separately metered and billed, and where the accessory dwelling unit household is responsible for the costs of that household's use of utilities, the maximum rent shall be set at 90% of the affordable rent level. (California Health and Safety Code section 50053)

Affordable unit means a dwelling unit for sale or rent that meets the California State Department of Housing and Community Development standards of income eligibility and affordable rent levels for Alameda County. (Health and Safety Code sections 50052.5(h) and 50053.)

Gross Household Income means the total monies earned or received by all occupants of an accessory dwelling unit age 18 and over, including: wages and all types of compensation, before any payroll deductions; spousal and child support; social security, retirement, disability, insurance, and other types of periodic payments; unemployment compensation and other payments in-lieu of earnings; welfare and other public assistance; interest, dividends and other payments generated from any real or personal property; net business income; and, any other type of payment determined to qualify as income by the U.S. Department of Housing and Urban Development (HUD) and as published in HUD's Housing Choice Voucher Program Guidebook. The annual gross household income is calculated by multiplying the monthly amounts earned or received at the time of certification by 12 and adjusting for anticipated payments and changes in amounts over the next 12 months.

Household means those persons who collectively occupy a housing unit. A household shall include any child or dependent, as defined Internal Revenue Code section 152, who is under the age of 18 or who is under the age of 24 and is a full-time student.

Household Size means the number of persons in a household.

Household, Extremely Low Income means a household with an annual gross household income of 30% or less than the Alameda County median annual gross household income for that household size as last published by HCD. (Health and Safety Code section 50079.5.)

Household, Low Income means a household with an annual gross household income between 50% and 80% of the Alameda County median annual gross household income for that household size as last published by HCD. (Health and Safety Code section 50079.5.)

Household, Moderate Income means a household with an annual gross household income between 80% and 120% of the Alameda County median annual gross household income for that household size as last published by HCD. (Health and Safety Code section 50093)

Household, Very Low Income means a household with an annual gross household income between 30% and 50% of the Alameda County median annual gross household income for that household size as last published by HCD. (Health and Safety Code section 50079.5.)

Junior accessory dwelling unit means a unit that is no more than 500 square feet in size and contained within a single-family residence, with a separate entrance. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, but shall include an efficiency kitchen that provides for a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

Primary unit means a principal, permitted single-family or multi-family dwelling. (Ord. 768 N.S., 01/2023; Ord. 769 N.S., 10/2023)

17.38.030 Legal accessory dwelling units; Non-conforming accessory dwelling units; Requirements for rented accessory dwelling units.

A. Legal accessory dwelling units.

The following are kinds of legal accessory dwelling units and permits. Each may be used and rented (subject to the business tax for rental property):

1. Accessory dwelling unit permit. An accessory dwelling unit or junior accessory dwelling unit permitted under an accessory dwelling unit permit is a legally existing accessory dwelling unit. (This includes an accessory dwelling unit approved subject to a variance and an accessory dwelling unit approved subject to exceptions and rent-restrictions, both under section 17.38.070.) If the unit is rent-restricted, then a tenant must be qualified by income level under the permit conditions of approval and the terms of the recorded declaration.
2. Second unit permit. A second unit permit issued before December 31, 2016 is a legal accessory dwelling unit.

3. Conditional use permit second unit. Between January 19, 1994 and July 1, 2003, second units were approved by conditional use permit. A second unit permitted under a conditional use permit during that period of time is a legal accessory dwelling unit.
4. Exempt accessory dwelling unit. If an accessory dwelling unit was established before 1930, and the City has confirmed the exempt status in writing, the accessory dwelling unit is a legally existing accessory dwelling unit.
5. Temporary use permit second unit. A temporary use permit second unit approved by the City between May 6, 1987 and July 1, 2003, under former Chapter 17D, is a legal accessory dwelling unit (and the temporary nature now recognized as permanent).

Any accessory dwelling unit or junior accessory dwelling unit that is not established pursuant to one of the above categories shall not be a legal accessory dwelling unit, except as may be specifically permitted under Government Code section 65852.23.

B. Non-conforming accessory dwelling units. A legal, non-conforming unit may not be modified or expanded except in compliance with division 17.50, Nonconforming buildings and uses.

C. Requirements for legal accessory dwelling units that are rented. If an accessory dwelling unit is rented to a tenant, these additional requirements apply:

1. Business tax. An accessory dwelling unit that is rented is subject to an annual business tax for rental property, under City Code chapter 10.
2. Rent restrictions. An accessory dwelling unit that has rent restrictions under the conditions of approval and recorded declaration(s) must be rented in accordance with those limitations. (See section 17.38.070.) (Ord. 768 N.S., 01/2023)

17.38.040 Permit requirement.

A. Accessory dwelling unit permit. An accessory dwelling unit permit is required for construction of an accessory dwelling unit or junior accessory dwelling unit or the modification of exterior features, size, or height of an existing accessory dwelling unit or junior accessory dwelling unit.

B. Building permit. A building permit shall be required for construction or modification of an accessory dwelling unit or junior accessory dwelling unit as set forth in the California Residential Code and other building standards adopted by the City. (Ord. 768 N.S., 01/2023)

17.38.050 Permit application and review procedures.

A. Application.

1. Application. An owner may apply for an accessory dwelling unit permit (or other city approval) by submitting a complete application to the Director on a form provided by the city.

2. Application fee. The owner shall pay an application fee in the amount established by City Council resolution.

B. Ministerial review. The Director shall review each application ministerially to determine if the development standards in section 17.38.060 are met, and shall within 60 days of a completed application approve or deny the application, except if the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with an application to create a new single-family or multi-family dwelling on the lot, the Director shall delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until permits for the new single-family or multi-family dwelling are approved. The Director will review the application without notice or public hearing. The time period for review may be tolled at the request of the applicant.

C. Decision and conditions. The Director shall render a decision in writing and shall state the reasons for approval or denial. The decision of the Director shall be final. (Ord. 768 N.S., 01/2023)

17.38.060 Zoning regulations; Accessory dwelling unit development standards; Junior accessory dwelling unit development standards; Projects subject to state mandated approval.

A. Zoning regulations. A proposed accessory dwelling unit must comply with the zoning regulations for the district in which it is located, subject to the requirements or exclusions in this section. (See divisions 17.20 through 17.28.)

B. Accessory dwelling unit development standards. An accessory dwelling unit shall comply with all of the following development standards, except the Director may grant an exception to the unit maximum size restriction under section 17.38.070.

1. Size. An attached accessory dwelling unit may not exceed 50% of the existing living area up to a maximum of 850 square feet, or 1,000 square feet if the accessory dwelling unit will include more than one bedroom, except where a restriction to 50% of existing living area would result in a maximum size of less than 800 square feet, an attached accessory dwelling unit of no more than 800 square feet shall be permitted, subject to the zoning regulations and development standards in this section. A detached accessory dwelling unit may not exceed 850 square feet, or 1,000 square feet if the accessory dwelling unit will include more than one bedroom. The minimum floor area for an accessory dwelling unit shall be 150 square feet. The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
2. Access. The accessory dwelling unit must have independent, exterior access.
3. Subdivision. No subdivision of land is authorized that would result in an accessory dwelling unit being located on a separate parcel, unless each parcel meets all of the zoning requirements for the zoning district in which it is located.

4. Building Height. A detached accessory dwelling unit shall not exceed a building height of 18 feet. An additional height of two feet for a detached accessory dwelling unit shall be allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit. An attached accessory dwelling unit shall not exceed a building height of 25 feet or the height limitations for a primary dwelling unit of the underlying zoning district, whichever is lower.
5. Design Criteria. The design of the structure(s) housing the proposed accessory dwelling unit must meet applicable objective design criteria in the Piedmont Design Standards and Guidelines and any additional design standards applicable to accessory dwelling units approved by City Council resolution.
6. Limitations on city's approval. Under Government Code section ~~65852.2~~66314, or any successor statute, the following limitations apply to any city approval:
 - a. Parking. When a garage, carport, uncovered parking space, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the City shall not require the replacement of off-street parking spaces. ~~(Gov't. Code §65852.2 (a)(1)(D)(xi).)~~
 - b. Side and Rear Setbacks. No setback is required to construct an accessory dwelling unit within an existing structure that is converted to an accessory dwelling unit or a new structure constructed in the same location and the same dimension as an existing structure. If an accessory dwelling unit is not converted from an existing structure, the minimum setback is four feet from the side and rear lot line. ~~(Gov't. Code §65852.2 (a)(1)(D)(vii).)~~
 - c. Street Yard Setback. Accessory dwelling units of 800 square feet or less can be constructed in the street yard setback only if it is determined by the Director that there is no other configuration on the property that would allow for the construction of an 800 square foot accessory dwelling unit outside the four feet side and rear setbacks and in compliance with all other standards in this section, including height limits. ~~(Gov't. Code §65852.2 (c)(2)(C).)~~
 - d. Fire sprinklers. Accessory dwelling units shall not be required to have fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in any other existing dwelling. Fire sprinklers shall be considered "required for the primary dwelling unit" in any of the following circumstances:
 - i. When fire sprinklers are currently installed in the primary dwelling unit; or
 - ii. When fire sprinklers will be installed in a new primary dwelling unit constructed concurrently with an accessory dwelling unit. ~~(Gov't. Code §65852.2 (a)(1)(D)(xii), Gov't. Code §65852.2 (e)(3))~~

- e. Passageway. No passageway will be required. ~~(Gov't. Code §65852.2(a)(1)(D)(vi).)~~
- f. Minimum lot area or lot size. Notwithstanding anything in divisions 17.20 through 17.28, no minimum lot area or lot size shall be imposed with respect to the approval of permits for an accessory dwelling unit. ~~(Gov't. Code §65852.2(a)(1)(B).)~~
- g. Floor Area Ratio, Lot Coverage, and Landscaping.
 - i. Lot coverage. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum lot coverage. Maximum lot coverage for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.
 - ii. Landscaping. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no minimum landscape area. Minimum landscape area for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district.
 - iii. Floor Area Ratio. An accessory dwelling unit eight hundred (800) square feet in floor area or less, shall have no maximum floor area ratio requirement. Maximum floor area ratio for an accessory dwelling unit greater than eight hundred (800) square feet in floor area shall be that of the underlying zoning district. ~~(Gov't. Code §65852.2(c)(1)(C).)~~
- h. Certificate of Occupancy. The building official shall not issue a certificate of occupancy for an accessory dwelling unit before issuance of a certificate of occupancy for the primary dwelling or multi-family dwelling.
 - ~~i. Nonconforming Zoning Conditions. The City shall not require as a condition for approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit the correction of nonconforming zoning conditions, or building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.~~
 - ji. Utility Connections. For an accessory dwelling unit described in section 17.38.060.D.1, the accessory dwelling unit shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and the accessory dwelling unit shall not be subject to a related connection fee or capacity charge, unless the accessory dwelling unit is constructed concurrently with a new single-family dwelling.

C. Junior accessory dwelling unit development standards.

1. General provisions. The following provisions shall apply to junior accessory dwelling units:
 - a. A junior accessory dwelling shall not be constructed unless a single-family dwelling unit exists on a site and such single-family dwelling unit has been constructed lawfully, or the junior accessory dwelling unit is proposed as part of the construction of the single-family dwelling unit. A junior accessory dwelling unit shall be a permitted use in any lot zoned to allow a single-family residential use.
 - b. No lot shall contain more than one (1) junior accessory dwelling unit.
 - c. A junior accessory dwelling unit shall be constructed within the existing space of the proposed or existing single-family dwelling, however, an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing space of a single-family dwelling shall be permitted for purposes of accommodating ingress and egress. For purposes of this provision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
 - d. A junior accessory dwelling unit shall not be sold or otherwise conveyed separate from the single-family dwelling unit.
 - e. A junior accessory dwelling unit shall have an exterior point of access directly into the junior accessory dwelling unit that is separate and independent from the single-family dwelling unit.
 - f. A building permit shall be required to construct a junior accessory dwelling unit or to establish a junior accessory dwelling unit within the existing space of a single-family dwelling. Occupancy of a junior accessory dwelling unit shall be prohibited until the junior accessory dwelling unit receives a successful final inspection pursuant to a valid building permit and receives a certificate of occupancy issued on or after the date of the successful final inspection.
 - g. A junior accessory dwelling unit that shares a bathroom with the existing or proposed single-family dwelling unit shall provide an interior entry to the existing or proposed single-family dwelling unit's "main living area".
2. Development standards. The following provisions shall apply to junior accessory dwelling units:
 - a. A junior accessory dwelling unit shall not be considered a separate or a new dwelling unit for purposes of applying building or fire codes. Installation of fire sprinklers in a junior accessory dwelling unit of any type shall be required only if

they are required for the primary dwelling unit. Fire sprinklers shall be considered "required for the primary dwelling unit" under the circumstances as specified in section 17.38.060.B.6.d.

- b. The minimum floor area for a junior accessory dwelling unit shall be 150 square feet.
- c. The maximum floor area for a junior accessory dwelling unit shall not exceed five-hundred square feet. If the sanitation facility is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation for the junior accessory dwelling unit.
- d. Setbacks for a junior accessory dwelling unit constructed with a new single-family dwelling shall be that of the underlying zoning district. No setback shall be required for a junior accessory dwelling unit contained within the existing space of a single-family dwelling or accessory structure. However, as permitted in this section, an expansion to an accessory structure of up to one hundred fifty (150) square feet to accommodate ingress and egress may be constructed only if the following setbacks are maintained:
 - i. a street yard setback accordance with the applicable zoning district.
 - ii. a minimum side yard setback of four feet.
 - iii. a minimum rear yard setback of four feet.
- e. No parking shall be required for a junior accessory dwelling unit.
- f. No lot coverage or landscaping requirement shall apply to a junior accessory dwelling unit.
- g. No height restriction shall apply to a junior accessory dwelling unit.
- h. A junior accessory dwelling unit shall not be required to install a new or separate utility connection directly between the junior accessory dwelling unit and the utility.
- i. A junior accessory dwelling unit may be constructed on a site that does not meet the minimum lot or parcel size requirements or minimum dimensional requirements of the underlying zoning district, provided that it is constructed in compliance with all building standards and other standards of this division.
- j. An expansion to an accessory structure of up to one hundred fifty (150) square feet to accommodate ingress and egress for a proposed junior accessory dwelling unit must meet applicable design criteria in the Piedmont Design Standards and Guidelines. This 150-square-foot of expansion can include removal of an uncovered parking space.

3. Use Restrictions. The following restrictions shall apply to junior accessory dwelling units:
 - a. The City shall record a deed restriction with the County Recorder Office. The deed restriction shall prohibit the sale or other conveyance of the junior accessory dwelling unit separate from the single-family dwelling; specify that the deed restriction runs with the land and is therefore enforceable against future property owners; and restrict the size and features of the junior accessory dwelling unit in accordance with this section.
 - b. The site's owner may at any time offer for rent either the single-family dwelling unit or the junior accessory dwelling unit. The site's owner shall be required to reside in the single-family dwelling unit as its primary residence at any time while the junior accessory dwelling unit is occupied by a tenant.
 - c. A site's owner shall not allow occupancy of a junior accessory dwelling unit by a tenant for any reason, with or without payment of rent, unless the site owner maintains occupancy of the primary dwelling unit as its primary residence.
 - d. Owner-occupancy shall not be required if the owner is a government agency, land trust, or housing organization.
 - e. A junior accessory dwelling unit may be rented but shall not be used for rentals of a term less than thirty (30) consecutive days.

D. Projects subject to state mandated approval. Notwithstanding anything in this code to the contrary, the Director and Building Official shall ministerially approve permits required to create any of the following within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The accessory dwelling unit has exterior access that is separate from the exterior entrance proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, subject to the following requirements:
 - a. A total floor area limitation of not more than 800 square feet.
 - b. A height limitation of 18 feet, plus for single family residential zoned lots an additional two feet to accommodate a roof pitch that is aligned with the roof pitch of the existing or proposed main house.

The new construction detached accessory dwelling unit in this subsection may be combined with a junior accessory dwelling unit as described in subparagraph 1 above.

3. Not more than ~~two-eight (8)~~ detached accessory dwelling units ~~that are~~ located on a lot that has an existing multi-family dwelling, ~~subject to a height limit of 18 feet and four-foot rear yard and side yard setbacks, with the maximum number of allowed accessory dwelling units equal to the number of existing primary multifamily units on the lot, subject to a height limit of 18 feet and four-foot rear yard setbacks.~~ If the existing multi-family dwelling has a rear or side setback of less than four feet, modification of the existing multifamily dwelling is not required as a condition of constructing the accessory dwelling unit.
4. Conversion of portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, into new accessory dwelling units, provided that each unit shall comply with state building standards for dwellings. The number of new accessory dwelling units authorized for conversion under this subsection shall not exceed 25 percent of the existing dwelling units in the multi-family dwelling structure or one new accessory dwelling unit, whichever is greater. (Ord. 768 N.S., 01/2023; Ord. 769 N.S., 10/2023)

17.38.070 Unit size exception.

A. Exception to unit size. The Director shall approve an exception to the maximum unit size set forth in section 17.38.060 B.1 for an accessory dwelling unit upon request of an applicant in accordance with the requirements of this section. If an exception is granted, the accessory dwelling unit shall be subject to all the requirements set forth below.

If the unit includes:	expansion up to 1,000 square feet	expansion to 1,200 square feet
One bedroom or less	Imposition of covenants requiring an affordable rent level to households of low income	Imposition of covenants requiring an affordable rent level to households of very low income

More than one bedroom	N/A	Imposition of covenants requiring an affordable rent level to households of very low income
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B. Additional requirements. If an accessory dwelling unit permit with a unit size exception is approved, it is subject to the following additional requirements.

1. Rent restriction.

- a. Declaration of rent restrictions. The accessory dwelling unit permit with a unit size exception shall have a condition describing the type of rent restriction applicable to the property. The rent-restriction shall be recorded in the county recorder's office, as a declaration of rent restrictions (in a form provided by the city), and will remain in effect for ten years. The ten-year period of rent restriction begins either: (a) on the date of recordation or date of final building inspection, whichever is later; or (b) according to the terms of the conditions of approval or a recorded declaration.

If, after ten years, the termination of the recorded declaration is not automatic (by its terms), the city will record a document terminating the declaration of rent restrictions, upon the written request of the property owner.

- b. Affordable rent certification. An owner who has executed a declaration must submit to the city an accessory dwelling unit affordable rent certification: (i) on an annual basis, by each December 31 and as part of the annual city business license application and renewal; and (ii) upon any change in occupancy of the accessory dwelling unit. The accessory dwelling unit affordable rent certification must be on a form provided by the city and must specify whether or not the accessory dwelling unit is being occupied; the rent charged; the utilities that are included in the cost of rent; the household size of the accessory dwelling unit; the names and ages of the accessory dwelling unit occupants; the gross household income of the accessory dwelling unit household; and other information as determined appropriate by the city. (Ord. 768 N.S., 01/2023)

17.38.075 Pre-approved Plans Incentive.

A. The Director may authorize an applicant's use of floor plans and elevations, owned by the City of Piedmont, and approved by the City Council, Appendix A of the Piedmont Design Standards and Guidelines, to obtain Planning Division approval of an Accessory Dwelling Unit Permit if all of the following findings are made:

1. The design unit meets the requirements of section 17.38.060.
2. The roofing material and exterior siding material of the proposed unit are the same as that of the primary residence.
3. The plans are the same as those in Appendix A of the Piedmont Design Standards and Guidelines with only a 3 percent variation or less in any one dimension.

If the approval is granted, the applicant must agree to the imposition of a rent restrictions on the unit requiring that any rent for the unit be affordable to households of very low income, and the accessory dwelling unit shall be subject to all the requirements set forth below.

B. Additional requirements. If an accessory dwelling unit permit using City-owned plans in Appendix A of the Piedmont Design Standards and Guidelines is approved, it is subject to the following additional requirements.

1. Rent restriction.

- a. Declaration of rent restrictions. The accessory dwelling unit permit constructed using City-owned plans shall be subject to declaration of rent restrictions (in a form provided by the city), which shall be recorded in the county recorder's office, as a declaration of rent restrictions, and will remain in effect for ten years. The ten-year period of rent restriction begins either: (a) on the date of recordation or date of final building inspection, whichever is later; or (b) according to the terms of the recorded declaration.

If, after ten years, the termination of the recorded declaration is not automatic (by its terms), the city will record a document terminating the declaration of rent restrictions, upon the written request of the property owner.

- b. Affordable rent certification. An owner who has executed a declaration must submit to the city an accessory dwelling unit affordable rent certification: (i) on an annual basis, by each December 31 and as part of the annual city business license application and renewal; and (ii) upon any change in occupancy of the accessory dwelling unit. The accessory dwelling unit affordable rent certification must be on a form provided by the city and must specify whether or not the accessory dwelling unit is being occupied; the rent charged; the utilities that are included in the cost of rent; the household size of the accessory dwelling unit; the names and ages of the accessory dwelling unit occupants; the gross household income of the accessory dwelling unit household; and other information as determined appropriate by the city. (Ord. 769 N.S., 10/2023)

17.38.080 Unpermitted accessory and junior accessory dwelling unit.

A. The City shall not deny an accessory dwelling unit permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following, unless the City makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the California Health and Safety Code:

1. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
2. The accessory dwelling unit or junior accessory dwelling unit does not comply with division 17.38 of Piedmont City Code regulating accessory dwelling units or junior

accessory dwelling units, or California Government Code Section 66333 et seq., as may be amended, applicable.

B. This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the California Health and Safety Code.

C. A homeowner applying for an accessory dwelling unit permit under section 17.38.080.A above, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the California Health and Safety Code and when the fee is authorized by Government Code Section 66324(e).

D. Upon receiving an application pursuant to section 17.38.080.A, an inspector from the City shall inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the City shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit, shall provide in writing how the building can be brought into compliance, and shall approve necessary permits to correct noncompliance with health and safety standards.

~~17.38.080 — Enforcement.~~

~~Enforcement of notices to correct a violation of any provision of any building standard for any accessory dwelling unit shall comply with Section 17980.12 of the Health and Safety Code. /or shall be (Ord. 768 N.S., 01/2023)~~

17.38.090 Removal of Owner Occupancy Restrictions.

A. The Director shall be authorized to remove any previously imposed owner-occupancy requirements imposed via deed restriction on any accessory dwelling unit previously permitted, by recording any appropriate documents rescinding the restriction, if the following criteria are met:

- i. the applicant shall provide a copy of the original recorded deed restriction.
- ii. the applicant agrees to an imposition of covenants either on the accessory dwelling unit or on the primary dwelling unit requiring an affordable rent level to households of very low-income for a period of 15 years, which shall be recorded in the county recorder's office, as a declaration of rent restrictions (in a form provided by the city), and will remain in effect for fifteen years. The fifteen-year period of rent restriction shall begin on the date set forth in the recorded declaration.

If, after fifteen years, the termination of the recorded declaration is not automatic (by its terms), the city will record a document terminating the declaration of rent restrictions, upon the written request of the property owner.

B. A property owner that receives removal of owner occupancy restrictions shall comply with certification requirements related to affordable rent set forth in section 17.38.070 B.1.b.

This section does not apply to owner-occupancy deed restrictions imposed on Junior Accessory Dwelling Units. (Ord. 768 N.S., 01/2023)

17.38.100 Separate Conveyance.

The City shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the criteria listed under Government Code Section 65852.26 are met. (Ord. 747 N.S., 02/2020; Ord. 768 N.S., 01/2023)



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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3] (*Part 1.5 added by Stats. 1961, Ch. 1844.*)

CHAPTER 2. Rules and Regulations [17920 - 17929] (*Chapter 2 added by Stats. 1961, Ch. 1844.*)

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
- (14) General dilapidation or improper maintenance.
- (15) Lack of connection to required sewage disposal system.
- (16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

- (1) Deteriorated, crumbling, or loose plaster.
- (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
- (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

(Amended by Stats. 2015, Ch. 720, Sec. 3. (SB 655) Effective January 1, 2016.)

Attachment D

Housing Element policies that relate to ADUs and JADUs include the following:

Policy 1.2: Housing Diversity and Housing Mobility. Maintain planning, zoning, and building regulations that accommodate the development of housing for households at all income levels. Strengthen Piedmont's relationship to the Bay Area region for residents seeking greater choices and housing mobility, meaning greater opportunities to improve housing types, sizes, locations, and access to opportunities and amenities

Policy 1.5: Accessory Dwelling Units. Continue to allow accessory dwelling units and junior accessory dwelling units "by right" in all residential zones within the City, subject to dimensional and size requirements, parking standards, and occupancy requirement for junior accessory dwelling units, as appropriate.

Policy 2.4: Code Enforcement. Enforce local building codes to ensure that housing is safe and sanitary and to protect the character of Piedmont neighborhoods. Promptly investigate all reports of nuisances and require the abatement of such situations, as needed.

Policy 3.1: Rent-Restricted Accessory Dwelling Units. Encourage the creation of rent restricted accessory dwelling units for low and very low-income households through incentive-based programs such as increased height limits, additional number of ADUs, pre-approved plans, and more lenient lot coverage and floor area standards.

Policy 3.3: Legalization of ADUs. Allow for and offer incentives for owners of unintended and/or illegal accessory dwelling units to apply for permits to convert them into permitted unit(s).

Policy 3.4: Accessory Dwelling Unit Building Regulations. Maintain building code regulations which ensure the health and safety of accessory dwelling unit occupants and the occupants of the adjacent primary residence. Implement Building Code regulations intended to facilitate "tiny home" construction.

Policy 4.1: Communicating Planning and Building Information. Encourage public understanding of the planning and building processes in Piedmont to facilitate permit processing and reduce project costs and delays.

Policy 4.2: Planning and Building Standards. Ensure that planning and building standards, development review procedures, and fees do not form a constraint to the development, conservation, and rehabilitation of housing, or add unnecessarily to the cost of building or improving housing.

Policy 4.3: Expeditious Permitting. Promote the expeditious processing and approval of residential projects that are consistent with the General Plan, the Zoning Ordinance, and Objective Design Standards and Design Guidelines (for projects that do not add a new housing unit

Policy 4.4: Updating Standards and Codes. Maintain updated codes and standards for residential development to reflect changes in State and federal law, new technology, and market trends.

Policy 5.1: Retrofits for Diminished Mobility of Piedmont Residents. Ensure that planning and building regulations accommodate the retrofitting of homes to meet the needs of aging or disabled residents