

City of Piedmont
CITY COUNCIL AGENDA REPORT

DATE: August 18, 2025

TO: City Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Public Hearing – Approval of Second Reading of Ordinance 782 N.S. Amending Chapter 17 and Chapter 19 of the Piedmont City Code to Regulate Subdivisions and Housing Developments Pursuant to SB 9 and SB 1123, and Additional Amendments Relating to the Solar Rights Act (Recommended CEQA Action: GP Amendment - Consistent with Housing Element Implementation EIR (SCH 2022020362); Ordinance 782 N.S. - Exempt under CEQA Guidelines 15061(b)(3), 15378)

RECOMMENDED ACTION

Approve Second Reading of Ordinance 782 N.S., Attachment A, Amending Chapter 17 and Chapter 19 of the Piedmont City Code, and Additional Amendments Related to the Solar Rights Act, to implement State law and make other minor City Code maintenance and clarification edits.

BACKGROUND

On August 4, 2025, the City Council approved a first reading of Ordinance 782 N.S., amending the Piedmont City Code Chapter 17 and Chapter 19, as follows:

- **SB 9 Ordinance Amendments:** Amendments to division 17.54 to clarify the review of SB 9 permit applications, including amendments to clarify regulations for structures within setbacks, clarify development standard waivers, parking standards, and disclosure of information related to further lot splits created under SB 9.
- **SB 1123 City Code Amendments:** Amendments to divisions 17.38 and 19.11 to clarify the City’s intent to not allow ADUs and JADUs to be included when a project opts for the ministerial process established by SB 684/ SB 1123.
- **California Solar Rights Act Amendments:** Amendments to division 17.90, and regulations to facilitate solar systems consistent with the purpose of the California Solar Rights Act and regulations for residential solar and battery energy storage systems (BESS) to expedite the review of solar and residential BESS installations.

Additionally, on August 4, 2025, the City Council found the proposed amendments to be exempt under CEQA Guidelines 15061(b)(3), 15378, and Public Resources Code section 21065 because it can be seen with certainty that there is no possibility that the adoption of these provisions would have a significant adverse effect on the environment (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3)), and the amendments are not a

project as they modify organizational or administrative activities that will not result in a direct or indirect physical changes to the environment (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3)).

A second and final reading is required for adoption. Once approved, this ordinance will become effective September 17, 2025.

REVIEW BY CITY ATTORNEY

The proposed amendments to the City Code have been reviewed and approved by the City Attorney.

Prepared by: Pierce Macdonald, Senior Planner

ATTACHMENTS

- A. Ordinance 782 N.S. - Amending Piedmont City Code Chapter 17, Planning and Land Use, and Chapter 19, Subdivisions

Separate Attachment and Links:

- The City of Piedmont's [6th Cycle Housing Element](#)
- Piedmont City Code Chapter 17, [Planning and Land Use](#)
- Piedmont City Code Chapter 19, [Subdivisions](#)
- [July 14, 2025 Planning Commission Staff Report, First Packet](#)
- [July 14, 2025 Planning Commission Staff Report, Second Packet](#)

ORDINANCE NO. 782 N.S.

AN ORDINANCE AMENDING CHAPTER 17 AND CHAPTER 19 OF
THE PIEDMONT CITY CODE TO REGULATE SUBDIVISIONS AND HOUSING
DEVELOPMENTS PURSUANT TO SB 9 AND SB 1123, AND ADDITIONAL
AMENDMENTS RELATING TO THE SOLAR RIGHTS ACT

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1 – BACKGROUND AND INTENT

Existing Piedmont City Code provisions in Chapter 17 regulate setbacks for wall protrusions and regulate SB 9 urban lot splits and subdivisions within the City. It is the intent of the City Council of the City of Piedmont to modify existing provisions of Chapter 17 of the City Code to clarify the allowance of wall protrusions related to solar and residential battery energy storage systems within required zoning setbacks and lot coverage limits.

Further, it is the intent of the City Council to clarify provisions for parking spaces, waivers of City standards for SB 9 urban lot splits and two-unit housing developments, and applicability of subdivision ordinance requirements in accordance with Government Code Sections 66411.7 and 65852.21.

It is the intent of the City Council to clarify regulations for accessory dwelling units in single-family zones and applicability of subdivision ordinance requirements, in accordance with SB 684 (2023) / SB 1123 (2024), codified at Government Code Sections 65852.28 and 66499.41.

SECTION 2 – CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The potential environmental impacts of the proposed amendments to the Piedmont City Code Chapter 17 and Chapter 19 are consistent with the 2023-2031 Housing Element Implementation EIR, because the 2023-2031 Housing Element Implementation EIR analyzed the impacts of increasing housing production and implementing the Housing Element programs, including program 1.J SB 9 Facilitation Amendments. Proposed amendments to the Piedmont City Code Chapter 17 and Chapter 19 are exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of these provisions would have a significant adverse effect on the environment (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3)). In addition, the amendments to clarify City Code text are not a project as they modify organizational or administrative activities that will not result in a direct or indirect physical changes to the environment (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3)).

SECTION 3 – AMENDING SECTION 17.38.060

Division 17.38 Accessory Dwelling Units, 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 Piedmont City Code is hereby amended in its entirety to read as follows:

“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 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.
- 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.
7. An ADU or JADU shall not be permitted on a lot created pursuant to Government Code Sections 65852.28 and 66499.41, as they may be amended from time to time.

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.
 - k. An ADU or JADU shall not be permitted on a lot created pursuant to Government Code Sections 65852.28 and 66499.41, as they may be amended from time to time.
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 their 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 their 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 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 multifamily units on the lot, subject to a height limit of 18 feet and four-foot 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.”

SECTION 4 – AMENDING SECTION 19.2.52

Division 19.11, Definitions, Section 19.2.52, Subdivision, of the Piedmont City Code is hereby amended in its entirety to read as follows:

“19.2.52 Subdivision. “Subdivision” means the division of land for the purpose of sale, lease or financing, whether immediate or future. The land may be improved or unimproved and is that land shown on the latest equalized county assessment roll as a unit or as contiguous units. Property is considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes, but is not limited to, condominium projects, community apartment projects, stock cooperatives, urban lot splits as provided in Piedmont City Code division 17.54, and subdivisions pursuant to Government Code sections 65852.28 and 66499.41.”

SECTION 5 – AMENDING SECTION 17.54.050

Division 17.54, Urban Lot Splits and Two-Unit Developments (SB 9), Section 17.54.050, Urban Lot Split Standards, of the Piedmont City Code is hereby amended in its entirety to read as follows:

“17.54.050 Urban Lot Split Standards

The Director may not approve an application for an urban lot split permit unless the project conforms to all of the standards listed below. A waiver may be granted for an exception to the standards as described under section 17.54.080.

A. Size Requirements

1. The parcel subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
2. The newly created parcels are no smaller than 1,200 square feet.

B. Location Requirements

1. The parcel is not located in an area identified in subparagraphs (B) to (K) of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.
 - a. The parcel is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to

subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

- b. The parcel is not located on a hazardous waste site, as defined by Government Code Section 65913.4(a)(6)(H).
 - c. The parcel is not located within a special flood hazard area subject to inundation by the one percent annual chance flood (one hundred (100)- year flood) as defined by Government Code Section 65913.4(a)(6)(G).
 - d. The property is not located within a regulatory floodway, as defined by Government Code Section 65913.4(a)(6)(H).
2. The proposed urban lot split would not require demolition or alteration of the housing types listed in Government Code section 66411.7(a)(3)(D)(i)-(iv) nor the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 of the California Government Code (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - d. Housing that has been occupied by a tenant in the last three years.
3. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
4. The parcel has not been established through prior exercise of an urban lot split as provided for in this division.
5. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this division.

C. Lot Configuration

1. Access to Public Right-of-Way. The new parcel shall have vehicular access to the public right-of-way, either through direct lot frontage or an easement through the existing parcel.
2. Existing Dwelling Unit. If an urban lot split is proposed for a property with an existing dwelling unit, the split must result in the existing dwelling unit being completely located on one parcel. There shall be no existing or proposed structure in the setback along the new lot line for the lot on which the existing house remains. The lot on which the existing primary residence remains shall comply with the underlying zoning regulations such that no nonconformity is introduced, and no existing nonconformity is increased by the subdivision.
3. Lot Frontage. The lot shall have a minimum frontage of 60 feet, unless the frontage requirement precludes the development of two lots containing an 800 square foot primary structure. A new lot may be accessed via an easement across a pre-existing lot that contains street frontage.
4. Flag Lots. Flag lots are not permitted under an urban lot split permit. If a new parcel is created without direct access to the public right-of-way, an easement shall be provided through the original lot. The easement shall meet the following requirements:
 - a. The easement shall have a minimum width of 12 feet.
 - b. The easement shall provide access for utilities to be connected to the public right-of-way.
5. The side line of all lots shall be at right angles to the street which the lot faces, or approximately radial to the center of the curvature, if the street is curved. Side lines of lots shall be approximately radial to the center of the curvature of a cul-de-sac on which the lot faces.
6. For a newly created lot that is located in both Piedmont and Oakland, the applicant shall obtain all the required permits in both jurisdictions.
7. Lots of an unusual shape, as defined in section 17.54.030, are not permitted.
8. Access to the new lot shall meet the driveway width and slope standards outlined in Chapter 3.07 of the Piedmont Design Standards and Guidelines.

D. Utilities

1. The new parcel shall have separate utilities, including but not limited to electric, gas, water, and sewer. The new parcel shall adhere to the standards outlined in the Piedmont Public Works Standards.
2. Utility easements shall be recorded prior to final map recordation.”

SECTION 6 – AMENDING DIVISION 17.54.060

Division 17.54, Urban Lot Splits and Two-Unit Developments (SB 9), Section 17.54.060, Two-Unit Housing Development Standards, of the Piedmont City Code is hereby amended in its entirety to read as follows:

“17.54.060 Two-Unit Housing Development Standards

The Director may not approve an application for a two-unit housing development permit unless the project conforms to all of the standards listed below. A waiver may be granted for an exception to the standards as described under section 17.54.080.

A. Size.

- a. The SB 9 unit is no more than 800 square feet in size.
- b. For an SB 9 unit that exceeds the 800 square foot size limit, the SB 9 unit shall meet the floor area ratio criteria for the underlying zoning district, unless the development falls under section E below.

B. Height. The maximum height of a new SB 9 unit shall meet the requirements of the underlying zoning district.

C. Setbacks.

- a. The side and rear setback is four feet for an SB 9 unit in any zone.
- b. The street-side setback, including for corner lots, is 20 feet.
- c. For the development of a new SB 9 unit within an existing structure that does not meet the four-foot setback requirement, the new unit is allowed to keep the nonconforming condition so long as the nonconformity is not increased within the setback area. The converted structure must be in the same footprint and dimensions as the existing non-conforming structure.

D. Parking. New SB 9 units are required to have at least one parking space that meets the parking regulations in Section 17.30.040 and Section 17.30.050 of the Piedmont City Code. 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 SB 9 unit

E. Lot Coverage.

- a. When a two-unit housing development is proposed on a new lot created pursuant to the urban lot split provisions specified in this division, the new SB 9 unit(s) shall conform to the structure coverage, landscape coverage, and floor area ratio of the underlying zoning district.

- b. When a new SB 9 unit is constructed on a lot with an existing dwelling unit, the floor area ratio may exceed the code required maximums so long as structure and landscape coverage conform to the requirements of the underlying zoning district.

F. Path of Travel. The path of travel to the new SB 9 unit shall be clearly marked by providing an address marker visible from the street and at the main entry door to the new unit. If needed, path lights shall also be installed. The path of travel shall have a minimum width of 3 feet.”

SECTION 7 – AMENDING SECTION 17.54.080

Division 17.54, Urban Lot Splits and Two-Unit Developments (SB 9), Section 17.54.080, Waivers from Standards, of the Piedmont City Code is hereby amended in its entirety to read as follows.

“17.54.080 Waivers from Standards

A. An applicant may request a waiver from the development standards provided in this division if the following criteria are met:

1. Application. The applicant requests an exception as a part of the application materials.
2. Approval Authority. The exception request shall be submitted to the Director for review. The Director shall determine if the exception meets the standards for approval.
3. Standards for Approval. An exception from a development standard shall be granted if the standard would have the effect of physically precluding: (1) an urban lot split of a vacant parcel where the resulting lot size is 1,200 square feet or more for both parcels; (2) an urban lot split of a parcel with existing development, where the resulting lot size is 1,200 square feet or more for both parcels, and the urban lot split does not increase any nonconformity with underlying zoning regulations for the parcel with existing development; or (3) the construction of up to two units that are 800 square feet in floor area or less, each.

Waivers from objective zoning standards shall not be granted if the floor area and/or structure coverage of each new housing development would exceed 800 square feet. The city shall determine the extent of relief necessary to allow two 800 square foot units. Waivers from zoning standards for accessory structures, such as decks and garages, shall be only for the minimum size structure required to serve each housing unit according to state law and Chapter 8 Building Code standards. A waiver cannot be approved for an application that proposes new construction within the four-foot side and rear setbacks.”

SECTION 8 – ADDITION OF SECTION 17.54.090

Division 17.54, Urban Lot Splits and Two-Unit Developments (SB 9), is hereby amended to add Section 17.54.090, Recording, to read as follows:

“17.54.090 Recording.

If a parcel is developed with a housing unit and/or a lot split pursuant to Government Code sections 65852.21 and 66411.7, then the applicant shall record a document indicating the exercise of Government Code sections 65852.21 and/or 66411.7 in a form approved by the city. The document shall be recorded by the applicant prior to final inspection or final map approval.”

SECTION 9 – AMENDING SECTION 17.90.020

Chapter 17, Planning and Land Use, Division 17.90, Definitions; Measurements, Section 17.90.020, Measurements, is amended to update the definition of *Footprint*, as follows.

“*Footprint* means the total land area covered by all accessory and primary structures on a lot, measured from outside the exterior walls and supporting columns or posts, except that the following are not included in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than 30 inches above finished grade and which project no more than 36 inches from the footprint;
2. Uncovered and unenclosed stairways, including railings, which are less than six feet above finished grade and which project no more than 36 inches from the footprint;
3. Eave and/or roof overhang that projects up to three feet from the exterior wall surface or supporting column or post;
4. Trellis, awning, electrical meter, solar system equipment, residential battery energy storage system equipment, or similar feature that projects horizontally up to three feet from the exterior wall surface or supporting column or post, so long as construction satisfies Building Code requirements.”

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]