

Attachment B

ORDINANCE NO.784 N.S.

**AN ORDINANCE AMENDING DIVISION 17.22, ZONE B,
AND DIVISION 17.24, ZONE C, OF CHAPTER 17 OF THE PIEDMONT CITY CODE**

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

SECTION 1 – BACKGROUND AND INTENT

State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires the City of Piedmont to periodically prepare and update its Housing Element in its General Plan, and to establish goals, policies, and programs to accommodate the maintenance, diversification, and expansion of the City's housing supply to accommodate the City of Piedmont's regional housing needs allocation (RHNA) of 587 housing units, comprised of 238 above moderate income units, 92 moderate income units, 94 low income units, and 163 extremely and very low income units. The City Council approved the Piedmont Housing Element on March 20, 2023 and adopted a resolution approving the Moraga Canyon Specific Plan (MCSP) on October 6, 2025 to implement Housing Element Program 1.L, Specific Plan.

Further it is the intent of the City Council to implement the MCSP development standards which require amending Division 17.22, Zone B, and Division 17.24, Zone C, of Chapter 17, Planning and Land Use, of the Piedmont City Code for conformance with the MCSP development standards.

SECTION 2 – CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The potential environmental impacts of the proposed amendments to the Piedmont City Code Chapter 17 are consistent with the 2024 Housing Element Implementation EIR for the following reasons. On October 6, 2025, the City Council approved an Addendum to the 2023-2031 Housing Element Implementation Environmental Impact Report (Housing Element EIR) prepared by the City's team of staff and consultants pursuant to CEQA. The Addendum evaluated the potential environmental effects that may be generated as compared to the MCSP (Housing Element Program 1.L) analyzed under the Housing Element EIR. The Addendum concluded that substantial changes are not proposed to the MCSP as analyzed under the Housing Element EIR nor have substantial changes occurred within the MCSP geographic area or regulatory environment that would require major revisions to the Housing Element EIR or recirculation of the Housing Element EIR. Impacts beyond those identified and analyzed in the Housing Element EIR would not be expected to occur as a result of the proposed MCSP. Overall, the proposed MCSP would not result in new impacts or information of substantial importance that would generate new, more severe impacts or require new mitigation measures compared to those identified for the MCSP, as analyzed in the Housing Element EIR.

As such, the proposed MCSP and actions to amend the City Code to implement the MCSP would not result in conditions identified in CEQA Guidelines Section 15162, and a Subsequent or Supplemental EIR is not required for the proposed MCSP. Development and operation pursuant to the proposed MCSP would be subject to all previously required mitigation measures from the

Housing Element EIR, as applicable. The Mitigation Monitoring and Reporting Program (MMRP) adopted for the Housing Element EIR would continue to be applicable to the proposed MCSP. In addition, the Addendum prepared for the MCSP concluded that the MCSP and actions to amend the City Code to implement the MCSP would not introduce new or substantially more severe cumulatively considerable impacts beyond those analyzed in the Housing Element EIR. Therefore, no new or substantially more severe cumulative impacts would occur as a result of the MCSP or proposed Chapter 17 amendments. The concerns raised in public correspondence and comments were considered in the Addendum and do not impact the analysis in the Addendum. On September 8, 2025, the Planning Commission recommended City Council adoption of the MCSP including a recommendation to the City Council to approve the Addendum to the Housing Element EIR.

SECTION 3 – AMENDING SECTION 17.22.040.C

Section 17.22.040.C is hereby amended to read in its entirety as follows:

“C. In Zone B, the development standards for the following uses are set forth below, **except to the extent such standards are not consistent with an adopted specific plan, in which case the adopted specific plan shall prevail:**

- a. Wireless communications facility as provided in division 17.46.
- b. Multi-family residential as provided in section 17.24.040.A.
- c. Cemetery, public utility – no standards.
- d. Building occupied by a public agency or other nonprofit entity – no standards, except as set forth in section 17.22.040.A.
- e. Parks and open space, including recreational uses and facilities – no standards.”

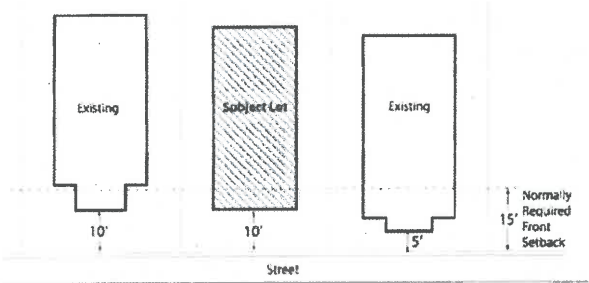
~~SECTION 4 – AMENDING SECTION 17.24.040.A~~

~~Section 17.24.040.A is hereby amended to read in its entirety as follows:~~

~~“17.24.040 Regulations.~~

~~A. In Zone C, for multi-family residential use, licensed residential care facility for 7 or more residents, co-housing and single room occupancy dwellings, the standards are as follows, **except to the extent such standards are not consistent with an adopted specific plan, in which case the adopted specific plan shall prevail:**~~

	Zone C requirements
Lot area	~~Minimum 10,000 square feet, subject to exception for accessory dwelling unit construction set forth in division 17.38.~~
Frontage, on public or private street	~~Minimum 90 feet~~

Lot coverage; Landscaping	Maximum 70% lot coverage for primary and accessory structures, subject to exception for accessory dwelling unit construction set forth in division 17.38. Minimum 15% landscaping, or 10% by landscaping for a project in which at least 20% of the units are affordable, as defined by the California Department of Housing and Community Development, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	Maximum 45 feet for buildings on lots with lot area 4,000 sq.ft. or more, except accessory dwelling units shall be subject to restrictions set forth in division 17.38. Maximum 35 feet for buildings on lots with lot area less than 4,000 sq.ft., except accessory dwelling units shall be subject to restrictions set forth in division 17.38.
Street yard setback	Minimum 15 feet for primary or accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38. If adjacent lots abutting the side lot lines of the subject lot both contain principal single family residential buildings that have front setbacks with a depth of less than ten (10) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal single family residential buildings on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback. See illustration below:  Site feature of any height may require a design review permit under division 17.66.
Side yard and rear yard setback	Minimum 4 feet for primary or accessory structure, except as provided below. If adjacent lots abutting the side and rear lot lines of the subject property are single family residential, the proposed building shall further step back depending on the lot area: • If lot area is less than 4,000 sq.ft., the building shall step back 8 ft. from the side and/or rear property line abutting the single family residential after 2 stories or 22 ft., whichever is less.

	• If lot area is 4,000-sq.-ft. or more, the building shall step back 8 ft. from the side and/or rear property line abutting the single-family residential after 3 stories or 35 ft., whichever is less. However, an accessory structure may be located anywhere within the side and rear setback areas except that it: (a) must be located within 35 feet of the rear lot line; (b) must be located at least 5 feet from a habitable structure on an abutting property, and, for a corner lot, at least 5 feet from a side lot line of an abutting property to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable. A site feature proposed within these distances may require a design review permit under division 17.66.
Density	Minimum density of 20 dwelling units/acre, and maximum density of 60 dwelling units/acre, unless otherwise required by State Law.
Unit type mix	50% of the units in a multi-family housing development, including co-housing (but excluding senior housing, licensed residential care facilities of 7 or more residents, and disabled housing), shall have a minimum of two bedrooms, unless 100% of the units are affordable to households earning 50% or less of the area median income (AMI) established by California Health and Safety Code 5105 that are deed-restricted for a period of 55 years or more.

~~SECTION 5 – AMENDING SECTION 17.24.040.B~~

~~Section 17.24.040.B is hereby amended to read in its entirety as follows:~~

~~B. In Zone C, for uses other than those listed above, the development standards are as follows, except to the extent such standards are not consistent with an adopted specific plan, in which case the adopted specific plan shall prevail:~~

- ~~1. Wireless communications facility as provided in division 17.46.~~
- ~~2. Single-family residence as provided in section 17.20.040.A.~~
- ~~3. Manufactured and mobile homes as provided in section 17.20.040.A.~~
- ~~4. Large day care home as provided in section 17.20.040.A.~~
- ~~5. Licensed residential care facility or group home for up to 6 residents and unlicensed residential care facility or group home as provided in section 17.20.040.A.~~
- ~~6. Low barrier navigation centers as provided in section 17.20.040.A.~~
- ~~7. Transitional and supportive housing as provided in section 17.20.040.A.~~
- ~~8. Employee Housing for up to six employees as provided in section 17.20.40.A~~
- ~~9. Small day care home as provided in section 17.20.40.A”~~

SECTION 64 – 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 75 – CODIFICATION

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

SECTION 86 – POSTING, EFFECTIVE DATE, AND SUBMISSION

The City Clerk is directed to post this Ordinance 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]

